



JOHN MITFORD, FIRST BARON REDESDALE

From a portrait by Sir Martin Archer Shee, P.R.A., in the National Portrait Gallery

LIFE OF LORD REDESDALE

By
EVELINE BERTHA MITFORD

Edited by
F. J. WEAVER, M.A., F.R.Hist.S.

With Two Portraits

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EDITOR'S NOTE

THE brief account of the author's life and work, written by one of her intimate friends, lays just emphasis upon her "passion for accuracy." In checking her quotations from manuscript sources, I have found them so accurate that full reliance may, in my opinion, be placed upon her transcript of untraceable documents, including those which were destroyed during the attack upon the Four Courts in 1922.

The special interest of Lord Redesdale's career is naturally attached to his work as first Lord Chancellor of Ireland after the Union, and to his attempt to raise the standard of legal administration in that country; but this period covered only four years of a long life during which he was associated with all the leading political movements of his time. Miss Mitford's researches not only throw new light upon the condition of Ireland during the early years of the nineteenth century, social and political as well as legal, but also provide many interesting details regarding a fateful period of English history—the Revolutionary and Napoleonic Wars, the difficult years that followed the peace of 1815, and the tardy reforms that began to silence the mutterings of revolution before the Parliamentary Reform Act of 1832. The author attempts to explain, without attempting to excuse, Lord Redesdale's opposition to many reforms that now seem to most Englishmen to have been long overdue. In this attitude he was typical of a class of legislators, benevolent and even enlightened, who "often tolerated, and even excused, injustices and

EDITOR'S NOTE

cruelties, not because they approved of them, but because they never doubted that the condition of the poor was fixed by natural, immutable laws, with which they must not interfere" (page 235).

F. J. W.

CONTENTS

PART I. LIFE AND WORK IN ENGLAND, 1748-1802

<i>Chapter</i>	<i>Page</i>
I. ANCESTRY AND EARLY CAREER	3
II. POLITICAL ACTIVITIES, 1793-99	17
III. ATTORNEY-GENERAL (1799) AND SPEAKER (1801)	30
IV. APPOINTMENT AS LORD CHANCELLOR	42

PART II. IRELAND

I. FIRST IMPRESSIONS OF IRELAND	49
II. THE IRISH BAR	57
III. RELATIONS WITH THE VICEROY	73
IV. VISIT TO ENGLAND AND MARRIAGE	83
V. THE EMMET REBELLION (i)	95
VI. THE EMMET REBELLION (ii)	107
VII. RELATIONS WITH ROMAN CATHOLICS	121
VIII. AUTHORITY OF THE VICEROY	138
IX. LACK OF GOVERNMENT SUPPORT	151
X. THE "JUVERNA" LETTERS	168
XI. RECALL	180
XII. DISPUTE WITH LORD CLONCURRY	189
XIII. POLICY AS LORD CHANCELLOR	199
XIV. ATTACKS UPON HIS CHARACTER	209

PART III. LATER PARLIAMENTARY WORK

I. REFORM AND REACTION	225
II. VIEWS ON AGRICULTURE	237
III. LAST YEARS	249

CONTENTS
APPENDICES

	<i>Page</i>
A. THE VICEROY AND MARTIAL LAW . . .	271
B. DR. COPPINGER'S PROTEST . . .	273
C. THE FOUR COURTS . . .	278
D. PUBLIC RECORDS OF IRELAND . . .	284
INDEX	289

ILLUSTRATIONS

- JOHN MITFORD, FIRST BARON REDESDALE,
· from a portrait by Sir Martin Archer Shee, P.R.A.,
in the National Portrait Gallery. . . . *Frontispiece*
- EVELINE MITFORD, from a photograph . . . *facing page xii*
- GENEALOGICAL TABLE . . . *following page xiv*

EVELINE BERTHA MITFORD

WAS born 13th October 1867. Her parents were Captain William Mitford, who served in the 65th and 73rd Regiments, and Emily, daughter of General Sir George Wymer, K.C.B. They married in 1866. Her mother lived until 1906, but her father died in 1870. She was educated at Miss Leighton's, Oak Hill, Great Malvern, where she made several life-long friends; Dame Louisa Aldrich-Blake, the famous doctor (to whom there is a beautiful monument in Tavistock Square), was one of them. Later on she went to Queen's College, London. She was a very pretty girl when she grew up, tall, fair and slender. Her manners were gentle and attractive, and in those days she did exquisite embroidery, one piece of which won renown at one of the great Chicago Exhibitions. She was attached to her needle all her life.

Literature, however, was her great interest; she loved books and reading and wrote many articles, mostly for the more serious magazines. Up to 1914 she spent much time at the British Museum, and the more study and research an article required, the more facts she had to search out, the more it interested her. She took great pride in dealing with her material as completely and accurately as possible, and her passion for accuracy made her dislike anything florid or any over-statement. She liked feeling and expression restrained and dignified and to make facts clear rather than draw a charming sketch. Though not very interested in science itself she had a scientific mind as to style. She felt woman's then political

disabilities very keenly and was in touch with the developments through which the Constitutional side of the Woman's Suffrage Movement came into active being. When Miss Clementina Black organized her petition to Parliament she helped her as co-secretary, and this petition, quite unavailing in itself, provided an opportunity for very useful propaganda work, drawing together the thoughtful and experienced women who had begun to take a larger share in National activities and so became anxious about woman's voteless and unrepresented condition. Perhaps the Primrose League first brought political responsibilities home to them. She assisted to form the Conservative and Unionist Women's Franchise Association (now the Conservative Women's Reform Association) in 1908 and many leading Conservative women rallied to it. Under two very able Presidents, the late Lady Knightley of Fawsley (famous for common sense, sound judgment and support of every good cause), and the Countess of Selborne, who succeeded her, it did much to forward the constitutional side of the movement. Eveline was Chairman of its Literature Committee for many years and edited its *Review* from 1909 to 1916. She had lived in or near London up to 1918 but then gave up her flat and became a wanderer. She spent some time in Dublin during the disturbed years that followed the War. It was then, before the Four Courts were burnt down, that she first collected material for her *Life of Lord Redesdale*. On her return to London she worked too at the Record Office where there is an exceedingly interesting collection of papers belonging to this period. She started to write the *Life* itself in June 1923; it took several years to finish, and not long afterwards her health, which had not been good for some time, began to fail and she was unequal to any further



EVILINE MITFORD

From a photograph.

efforts to publish it. Her friends are therefore most grateful to Professor Weaver for so kindly undertaking the task of completing it and seeing it through the Press. It is the only book she wrote.

Her last two full winters were spent at Bournemouth, and though she had one serious illness her health seemed to improve; but she returned to London for the following winter, and there, on 29th November 1931, she died, so suddenly that it seemed she could have known and felt nothing. She was buried in the New Cemetery, Gunnersbury.

EVELINE BERTHA MITFORD

GENEALOGICAL TABLE

CHAPTER I

JOHN MITFORD'S ancestry is lost in the shadows of a past so remote that no definite information regarding its origin is obtainable. Under Edward the Confessor Mitfords owned the Northumbrian villa and lordship from which they took their name, and Robert Mitford assured his wife's jointure out of Mitford lands in the reign of that monarch. At the time of the Norman Conquest the heiress of Mitford was given in marriage to Sir Richard Bertram, one of William's Norman knights, and the family of Mitford became merged in that of Bertram. The eldest son of the marriage succeeded to the manor and lands of Mitford, which Henry IV raised to a barony, and it is one of the five Northumbrian baronies which dated from this early period. The Bertrams continued to represent the Mitfords till the beginning of the fourteenth century, when the senior branch died out and the younger reverted to the name of Mitford instead of Bertram.

The Mitfords remained on their lands and ruled the surrounding district in the rough-and-ready fashion of those turbulent days. They fought their neighbours, and kept adding to their already large possessions by purchase, conquest or marriage, till the day came when Northumberland was divided mainly into three great baronies, of which Mitford was one.

The Northumbrian lords were far too busy fighting their Scottish neighbours and attacking or defending themselves against each other, and their castles were too remote, for them to be greatly concerned with the doings of the big

world away in the south and far beyond their ken. Occasionally, however, a Mitford emerged from among his obscure relations, gained the confidence of England's rulers and made a faint mark in history. One John de Mitford sat in the Commons during the reigns of Edward III, Richard II and Henry IV, and so highly does his judgment seem to have been valued that he was entrusted with negotiations between England and Scotland in no less than forty writs and commissions. By the time Charles II was King the senior branch of the Mitfords had again become extinct and Mitford Castle and lands had reverted to the Crown. They were returned to the family by a special grant from Charles to Robert Mitford, who represented the borough of Morpeth in the Convention Parliament, and have since remained in the family through the male line in unbroken chain.

Robert Mitford's son, John, followed the custom of those days when the younger sons of great county families often entered the higher branches of trade. He went to London, became a merchant, and his two great-grandsons distinguished themselves in after years—William as historian of Greece and John as Speaker of the House of Commons and Lord Chancellor of Ireland.

John Mitford, the second son of John Mitford, barrister, and Philadelphia Reveley, was born in the parish of St. Andrew Holborn on the 18th August 1748 and was educated by the Reverend William Gilpin at the celebrated Cheam School, in Surrey. This remarkable man held strong and original views on education. It speaks well for John's father that he realized the advantages of the new method and sent his boys to an establishment where they would be trained by a system which must have been considered in those days to be dangerously revolutionary.

Corporal punishment was never inflicted, but discipline was maintained by a jury of the boys themselves, who carried out a plan of fines and imprisonment. The fines were spent in charity, on the school library, and on other institutions. Modern business methods were taught, and the boys were told that they would derive more benefit from "studying their own language with accuracy than a dead one." The school's reputation increased quickly and it numbered about eighty scholars. Among those who became eminent in after life, besides the Mitford brothers, were Addington (Lord Sidmouth) and the future Lord Kenyon, with both of whom John was to be intimately associated. School days were very happy, and some verses are still extant in which John sings "the praise of healthful Cheam; the much loved nourice of my infancy—the seat of youth and health and harmony." Mr. Gilpin remained a friend of the brothers until he died in 1804. William Mitford gave him the valuable living of Boldre, an extensive parish near the Mitfords' home at Exbury, where he carried out startling parochial innovations and improvements with as much tact, courage and success as he had done in his educational work at Cheam. He also published literary work of no little merit and he was a skilled draughtsman. His *Remarks on Forest Scenery and other Woodland Views* was published in 1790 and dedicated to his former pupil, now friend and patron, William Mitford. It passed through many editions and contained a skilful essay on forest laws by John. Mudie in his *Hampshire*, referring to him, says: "It is a high honour for Hampshire to have possessed such a man, and the only one in comparison with him is Gilbert White—the historian of Selborne—both men were not to be repeated in a century."

John Mitford's father died when John was thirteen years old. He had retired early from the Bar and had lived quietly at Exbury Park, his Hampshire home, which merchant John had bought in 1718 from the Comptons, lords of the manor for over two hundred years. Here he had spent his life, improving his property and interesting himself in local affairs. His son William, John's senior by four years, succeeded to Exbury. On leaving Oxford he became a student of the Middle Temple, but he never practised. He married very young and devoted himself to his family, to the care of his property and to study. His *History of Greece* was highly thought of at the time and passed through several editions. He was verderer of the New Forest and Lieutenant-Colonel of the South Hampshire Militia, and was known as "the very learned Colonel Mitford." He was Member of Parliament for many years, and his son Bertram was intimately connected with his uncle's work during the latter's Chancellorship of Ireland.

The death of John's father made a great difference to his prospects. His brother was well provided for, but if he himself intended to succeed in the world he had to rely mainly upon his wits. He entered the Six Clerks' Office when very young, anxious to follow his father's profession and become a barrister. At the age of twenty-four he was admitted a student of the Inner Temple and he threw himself with eagerness into his studies; they delighted his acute, critical intellect and his excellent memory stood him in good stead. Five years later he was called to the Bar, his mind stored with legal knowledge to an extent that would have done credit to a barrister many years his senior in age and experience. He set to work and wrote a legal book, knowing well that if he

succeeded no course would be more likely to secure his reputation and advance his prospects. It was a courageous act, and the unknown young barrister must have been very sure of his subject and of himself to have attempted it. The *Treatise on the Pleadings in Suits in the Court of Chancery by English Bill* was published in 1780. It was very learned, very thorough, very lucid—in every way a most remarkable book—and it was praised beyond the author's wildest expectations. It passed into a standard work and time did but enhance its reputation. Eldon, afterwards Lord Chancellor, described it as "a wonderful effort to collect what is deduced from authorities, speaking so little that is clear, that the surprise is, not at the difficulty of understanding all he said, but that so much can be understood." O'Flanagan refers to it as the "only law book I could read with positive enjoyment." Professor Joseph Story, in his Preface to *Commentaries on Equity Pleadings* (1838) says: "The structure of every treatise on the subject of equity pleadings must be essentially founded on Mr. Mitford's admirable work on pleadings in the Court of Chancery." Half a century later, in the celebrated case of *Cholmondeley v. Clinton*, Sir Thomas Plumer declared that:

"To no authority, living or dead, could reference be made with more propriety for correct information respecting the principles by which Courts of Equity are governed than to one whose knowledge and experience have enabled him, fifty years ago, to reduce the whole subject to a system with such universally acknowledged learning, accuracy and discrimination, as to have been ever since received by the whole profession as an authoritative standard and guide. I have transferred into my own pages all the most valuable materials of Mr. Mitford's treatise

and generally when I could in his own language, which I have not presumption to think I can improve”.

The book passed through several editions and John Mitford's reputation was made. He soon obtained the lead in Chancery business. It was then usual for Chancery men to go the circuit, and Mitford travelled the Western with Pitt, the future Prime Minister, and others who became famous in after years. He was popular and made many friends through his learning, his courtesy, his dry sense of humour and the integrity of his character. An annual dinner at Greenwich was the great occasion on which the friends all met. It took place even when political controversy was keenest and had estranged many of the distinguished men who gathered together on the occasion.

By the time John Mitford was forty he was generally looked upon as one of the coming men of the day, with a brilliant future before him. A great reputation brought him a large and increasing practice and much wealth, but his ambition was not yet satisfied. He was anxious to enter the House of Commons, and in 1788 he was returned for Beeralston in Devonshire, through the influence of his cousin, the Duke of Northumberland, to whom the borough belonged. Towards the close of the eighteenth century the power of the aristocracy and of the great landed interests was paramount. Owners looked upon their boroughs as they would upon any other private property, to be disposed of as they pleased. The majority of the people lived in the country and England had hardly emerged from an agrarian into the first stages of an industrial society. Urban problems, however, were beginning to arise. The well-ordered industrial centres of twentieth-century England would not recognize them-

selves in the seething, struggling, unorganized mass of helpless humanity, living and breeding under conditions that roused the passionate pity of philanthropists of a later day. These conditions were fiercely resented and had materially contributed to the rise and development of a powerful democratic party, which included men of education and experience, who pleaded eloquently for the inarticulate masses.

It was, however, one of the most brilliant periods in the history of the English Parliament, which at that time contained "the best and fiercest debators that ever led the Commons of England," and John Mitford found himself among giants. He listened day by day to the exaggerated eloquence of Burke; to the passionate pleadings and bitter vituperations of Fox; to the speeches which revealed the cool and calculating genius of Pitt, and the easy, subtle brilliance of Sheridan. At first he was rarely heard, and only on questions upon which he was an acknowledged expert; but as time passed he spoke in all important debates and he always commanded attention. This was due to the impression of wisdom which his dignified speeches conveyed. He was not a great orator; his style was terse and he was rarely eloquent, but he brought his wide reading to bear on his arguments. He made his points clearly and drove them home with force. Confidence was felt in his calm, high sense of honour, his passion for truth and accuracy to the smallest detail, and his devotion to the public service. He was, moreover, known to the House as one of the ablest and most learned lawyers in the country; he was liked for his kindliness and courtesy and respected for his tolerance of all types of character in an age of great political animosity, when few people had minds above the bitter prejudices and strong passions of the day.

According to Hansard John Mitford made his maiden speech in connection with the trial of Warren Hastings, whose petition he supported against Burke's violent language, and his complaint of the introduction of irrelevant matter, prejudicial to his interests. Mitford maintained that:

"If true the allegations of the Petition deserved the greatest attention; if false, the person who presented it merited the severest censure. The Articles were full of the foulest criminal charges and Mr. Hastings was to be considered as a man who stood charged with these crimes. If he was guilty, he ought to fall by the oppression of those crimes and not by the weight of his accusers. Proceedings of the kind should be carried on so as to do honour to the House and there were two things which ought to be strictly adhered to by the advocates who conducted them; viz., never to bring forward a fact which was a matter of calumny to the accused, nor to inflame the passions of those who were to decide as judges. The House would recollect that a Committee of the whole House attended every day of the trial to lend their countenance and support to the managers. It behoved the latter, therefore, to be extremely guarded in what they said. If they asserted a calumny, the Lords could not act with the same freedom that an ordinary Court of Justice could. Every advocate at a bar who dared to say what may affect the criminal's character was amenable to the laws of his country. The Lords could only stop a manager if he went into extraneous matter; they could not commit him, nor could he be punished. Mr. Hastings therefore, very wisely, instead of appealing to the justice of the Lords, had made application to the candour of the Commons, which alone could afford him redress. If that House suffered anything to be done that was contrary to the delicacy which ought

to be preserved, it degraded itself and acted unjustly. It was extremely possible that the right hon. manager [Burke] thought what he said was relevant, but his explanation did not satisfy the speaker; on the contrary, it convinced him that the original evidence was not cognizable in a court of justice. Minutes of Counsel, he was told, would be read as evidence. They certainly were not evidence, nor could they be admitted as such. The question now was, not what the House could do, but whether the House should take the Petition into consideration at all. In his opinion their duty was to examine whether the allegations were founded; and if so, to ascertain afterwards what was to be done to afford the petitioner adequate redress; if they should turn out to be ill-founded to consider what censure ought to be passed on the Petition and the party who presented it."

The following year Mitford again fell foul of Burke on another issue of the same subject. Burke's motion "that the House should resolve itself into a Committee of the whole House to take into consideration the state in which the impeachment of Warren Hastings Esqre was left at the dissolution of the last Parliament" found Mitford one with a solid group of eminent lawyers against the combined opposition of Burke, Pitt, Fox, Grey, Sheridan and others, in contending that the House, once dissolved, had no power to revive the impeachment. The King humorously remarked that when Pitt and Fox took the same view of a question and voted together they were sure to be wrong. After much talk and various divisions, the original motion was carried and the House of Lords was informed that the Commons would proceed upon the impeachment.

The following July Mitford became a King's Counsel

and was appointed one of the judges of the General Sessions for the Counties of Cardigan, Pembroke and Carmarthen. A re-election was necessary and he was again returned to the House of Commons. In February 1791 he brought in a Bill "to relieve upon conditions and under restrictions persons called protesting Catholic dissenters from certain penalties and disabilities to which papists or persons professing the Popish religion are by law subject." The Bill legalized their places of worship and conferred eligibility to certain minor offices in the State. His action was a bold step and brought him greatly into public notice. His speeches on the subject are of special interest, in view of his actions twelve years later, when, as Lord Chancellor of Ireland, he was among the most determined opponents of the Irish Roman Catholic claims.

He began his speech by commenting on the severity of the laws against Roman Catholics—no less than seventy pages of Burns's *Ecclesiastical Law* were taken up with enumerating the penal statutes still in force against them. With the exception of the short reign of James II, the present reign was the only one since Elizabeth in which laws of additional severity had not been placed upon the Statute Book. The most severe and sanguinary of these laws were directed against the Roman Catholic clergy, who could be put to death for offences that most people would consider trivial, and he condemned the cruelty of persecuting men who were only professing a religion they had received from their ancestors. Turning to the laity, he recited the penalties to which they were liable for hearing Mass and other offences, and suggested that these laws were probably passed in a spirit of resentment at the action of the Pope in excommunicating Queen Elizabeth and absolving her subjects from their allegiance to her.

The relief he proposed would be similar to what had been granted to the Irish Roman Catholics a few years ago and with no ill-consequence. He reminded the House of the indulgences that had been granted to Protestants recently in foreign countries, especially by the King of France, long before the Revolution, and he hoped England would not be behind in relieving those who were known to be as loyal subjects as any others.

In the second debate, Mitford said it was not his intention to define how far a government should interfere with the religious and political opinions of the people. Laws were passed against men supposed to be hostile to the Constitution and to the Throne. Those on whose behalf he spoke were as loyal as any in the kingdom. He proposed no repeal of the statutes, which he held to be a disgrace to the law books, as he considered it best to humour popular prejudice; therefore he did not suggest the admission of Roman Catholics to situations of trust or places under Government; he was only anxious to have them considered as men of loyalty and honour and good Christians, though they differed from himself and others in the forms of religious worship.

These speeches were well received and their spirit was thoroughly understood. The Bill was seconded by Windham and warmly supported by Pitt; Fox opposed it only because he thought it did not go far enough. After some amendments it passed through both Houses and became law.

In the same year John Mitford was appointed Chancellor of Durham and held his Court annually as Chancellor of the County Palatine. The honour was not generally considered a great one, but those to whom it was offered did not feel they could refuse it. The court's jurisdiction

increased to clamorous opposition when he preached his first sermon, all of his parishioners declaring that they had not understood a word he said. A petition to the Bishop was contemplated, and the whole parish was in revolt. Perfectly aware of the antagonism he had aroused, he pretended ignorance, visited the people, entertained lavishly in the old castle where he lived, and gradually became popular through his tact, his hospitality, constant cheerfulness, and moderation in the exaction of his tithes.

It was a far cry from the peace of Northumberland to the stirring events which were now taking place on the Continent and which were being watched by English Statesmen with the gravest anxiety. In July France was at War with Austria and Prussia, and the fall of the French Monarchy in August was followed by the September Massacres. The dark clouds of war were gathering heavy on the horizon.

CHAPTER II

EVENTS in France had a direct influence on English affairs. Discontent grew apace and it was encouraged by the literature sent over from Paris. Clubs and societies were organized by the disaffected: their schemes were encouraged by the French revolutionaries, whose ideas and catch-phrases were freely used by the more advanced section. The two chief associations for reform were the Friends of the People, representing the moderate enthusiasts, who were opposed to extreme action and fiery demonstrations, and the London Corresponding Society, which was composed mainly of the working classes, who professed violent and uncompromising opinions, distributed political manifestos, held meetings in the principal industrial centres and carried on their propaganda with an energy that aroused great antagonism. It was governed by a secret committee of five or six men whose names were unknown to the rest. In Sheffield a day of rejoicing was held for the French successes, and processions, carrying the tricolour, paraded the streets, while congratulations were despatched to the National Convention. As a result of all this agitation Monarchy itself was brought into contempt. Posters and prints insulting the King were publicly displayed. "No King. Liberty and Equality" was written upon the market cross at Barnard Castle, County Durham. The influence of the French revolution was obvious. Early in January 1793 John Mitford made a powerful speech on the Aliens Bill, pointing out the disastrous results to England of the growth of revolutionary societies in France.

Precedents were not wanting, he said, for the sanction of this measure. It was not intended to deny the protection of the country to men like La Fayette, who had been the framers of the late monarchical constitution of France: but the nature of French principles was evident from the resolutions passed by certain societies and from the writings circulated in this country. Cant phrases were now common in England as the result of these dangerous doctrines. One of them was "the National Will," and it was boldly stated that when the national will was freely expressed by the majority of the people it ought not to be set aside by any other power or authority. He knew of no other way of expressing the national will but by Act of Parliament. The national opinion might be expressed without doors, but the Nation could make no formal act, independent of its Parliament, other than that of petitioning.

Another doctrine for which the advocates of French principles contended was Liberty and Equality. Liberty and equality could exist together only on paper or in the cry of the mob. The principle of equality was totally inconsistent with a well-constituted government which, as in England, having the people at the base of the pyramid and various orders, rising by imperceptible gradations one above the other, boasts the Crown for its point. Such was not the case in France. There could be no government, no order, no security of Europe, or for England, till the whole system on which the French had been acting was abandoned and a better one adopted in its place.

This speech was made shortly before the execution of LouisXVI and that event stirred the English nation to its depths. Hatred of France was considered to be the first duty of a self-respecting Englishman, and if a Frenchman appeared in public he did so at his peril. War fever seized

the nation. Posters appeared in London demanding an immediate declaration of hostilities: they were surrounded by cheering crowds and even erstwhile friends of the French revolutionaries were silent in face of the tragedy enacted across the Channel. Early in February the tremendous struggle began which only ended on the Field of Waterloo.

On the 13th February 1793 John Mitford was appointed Solicitor-General in succession to Sir John Scott, who became Attorney-General, and two days afterwards he was knighted. The appointment was considered unsuitable in some quarters, as important State trials were pending with which it was thought that a Chancery barrister, however eminent, would not be qualified to deal. His promotion proved in many respects a disappointment to him, and a few months later he wrote to his friend Addington regarding a rumour of the latter's leaving the post of Speaker for that of Secretary of State, in which he stated his own case with much candour.

A few years later, however, when Speaker himself, Sir John Mitford was persuaded to sacrifice his happiness by accepting the Lord Chancellorship of Ireland: a post of even greater hazard and difficulty than the one from which he had warned his friend.

In the spring of 1794 it was decided to bring the leaders of the Corresponding Society to trial for high treason; among them were Thomas Hardy, the secretary, and Horne Tooke. The trials took place in the autumn and they were conducted by Sir John Mitford as Counsel for the Crown under Sir John Scott. The trial of Hardy was chiefly distinguished for its length. The Attorney-General's opening speech occupied nine hours, and one of the jury was afterwards reported to have remarked that even if the

evidence had been stronger he would have had great difficulty in convicting a man of a crime when it took the Attorney-General nine hours to tell him what it was. The evidence for the prosecution did not close till the fifth morning of the trial. The defence was conducted by Erskine, to whom Sir John Mitford replied. His speech to the Jury occupied several hours, and we read that "on this occasion nothing could exceed the mild and temperate course pursued by the Solicitor-General." It was, however, one of the few occasions on record on which he seems to have lost his temper. Erskine had had fierce altercations both with him and with the Attorney-General, and after various interruptions Sir John Mitford turned on him angrily: "The manner, Sir, in which you have thought proper to conduct yourself towards me in the course of this trial has been such as reflects upon my character. I will not submit to any man for knowledge of the law. I am not used to talk much of myself, but I will not be taught by you or any other person propriety of conduct either in civil or criminal case. I believe I know my duty in both as well as you do and I trust I shall discharge it." He then concluded his speech.

The interest taken in the case throughout the country was intense and very general. Both Hardy and Tooke were prominent exponents of the new ideas, and it was considered that the Government now had the opportunity of proving their accusations against associations which they had asserted held treasonable opinions and exercised a disastrous influence on English life and thought. The papers and literature of the leading societies had been seized and reported on; all their plans were revealed, and many of the members were subjected to searching cross-examinations by the ablest lawyers the Government

could produce. Public opinion was sharply divided. The Tories were convinced that the safety of the Monarchy depended on Hardy's conviction; the working classes were keenly anxious that he should be acquitted. They acclaimed Erskine as a popular hero, while Sir John Scott and Sir John Mitford were hissed when they appeared, and attempts on their lives were feared. The verdict of "Not guilty" was received without any demonstration in the crowded court, but the shouts of the people could be heard outside, and when Erskine appeared he was greeted as the saviour of his country; the horses were taken out of his carriage and he was drawn home by his excited admirers.

On the 17th November the trial of Horne Tooke for high treason began, the difficulties surrounding it being increased by the acquittal of Hardy. The Counsel were the same, with the exception of the addition of the Hon. Spencer Perceval for the Crown. The trial lasted six days and the Solicitor-General felt it to an extraordinary degree, as he did everything that touched the position of the Monarchy. He stated the case for the prosecution, and, anticipating that Tooke's attachment to the Crown and the Constitution would be brought forward, he said: "A man may have Monarchy on his lips while his heart is far from it. We know that the vilest traitor professed his loyalty and, in the contemplation of that act, cried, 'Hail, Master!' and kissed Him." When he sat down it was seen that there were tears in his eyes. After an absence of eight minutes, the jury again returned a verdict of "Not guilty."

The case against John Thelwall was then proceeded with, though the other prisoners were discharged. Thelwall was a fiery, acrimonious demagogue of a sickly

yellow complexion and lank, black hair, who had taken a more seditious and mischievous part in the activities of the Reformers than had either Hardy or Tooke, and his trial was felt to be necessary. He also was acquitted. On the last night of the trials bonfires were lighted and people with torches paraded the streets. The Opposition was triumphant, and it was generally considered that the Government had suffered a severe humiliation.

Pitt's conduct was giving rise to much uneasiness among his Party. Sir John Mitford had a profound admiration for the Prime Minister, but he saw the weak side of the great statesman and had shrewdly pointed it out in a letter to the Speaker the previous year. "He has this fault: he suffers himself to be swayed from his opinions by those whose judgment is very inferior to his own." Events in Ireland were increasing the difficulties of the situation. Lord Fitzwilliam had been appointed Lord Lieutenant at the close of 1794 and, by acting contrary to his instructions in dismissing trusted servants of the Crown to make way for his own friends and sycophants, the Ponsonbys, and by raising the hopes of the Roman Catholics by unwarranted promises of support for their claims, had caused keen resentment among the Irish Protestants, anxiety in the Cabinet, and much adverse criticism in Parliament and throughout the country. The Solicitor-General had never lacked moral courage; Pitt was an old friend and he felt it his duty to point out to the Prime Minister the perilous position in which he stood.

This warning was needed. In many quarters feeling was running strong against the Government. Victories and defeats kept the popular excitement at high pitch, but difficulties began to be felt acutely soon after the declaration of war. There appeared to be a chance of

general trade paralysis. Exports to France had stopped; merchants and manufacturers who had invested large sums in enterprises were ruined, and the number of bankruptcies had never been exceeded. The cost of provisions rose; the harvest had been a bad one and wheat was at famine price. Many families were reduced to starvation and the universal distress resulted in riots and general disturbance. A strong movement was started against the war and the country was flooded with seditious literature. The King became unpopular. Attempts were made on his life, stones were thrown at his coach, and he was greeted with angry shouts on his way to open Parliament in October 1795. It was felt that the Monarchy must be protected by further enactments, and in November the Treasonable Practices Bill and the Seditious Meetings Bill were carried. The latter forbade the assembling of more than fifty persons for the purpose of petitioning or deliberating upon grievances; suppressed unlicensed places for political discussion where money was charged for admission; increased the power of the magistrates and provided penalties against offenders. The Bill was violently opposed by the enemies of the Government. Sir John Mitford considered that it did not go far enough, for the sacred right of free speech had been shamefully abused. He pointed out that:

“The Bill simply required that previous notice should be given for the purpose of explaining what was the nature of the business for which the meeting was called and to fasten upon such persons as announced their intention a degree of responsibility which would be a pledge of the peaceableness of their designs. The meetings that the Bill would discourage were chiefly those where vast crowds were assembled and where disturbance of the public peace

was likely to ensue. The magistrate was authorized to put an end to the meeting if he thought necessary. England was the only country where this kind of meeting was allowed without the attendance of a magistrate. The most free States that ever existed, the Roman Republic itself in the zenith of its liberty and fame, had never permitted the people to assemble but in a regular body, formally collected and under the control of a magistrate. The Bill was not intended to prohibit political discussion where a grievance was considered to exist—that was a right too sacred to be disturbed on any pretence whatever; but it prevented discussions when they were meant to prove a source of pecuniary benefit to the persons by whom they were promoted. It might be said that the inconsiderable number of men to whom seditious designs were ascribed could not be so formidable as to sanction such a measure. It had been laid down as a maxim by writers of their own sentiments that all revolutions were effected by minorities and that the active, persevering spirit of the few would always triumph over the peaceable and inactive dispositions of the more numerous classes of the community”.

These precautions did little to assuage popular unrest and the outlook became gloomier as time passed on. The violence of political animosity was increasing. Harassed statesmen had to defend their conduct of affairs at home and abroad, towards allies as well as towards enemies, against attacks pursued with relentless vigour by some of the most brilliant orators and accomplished debaters the House of Commons has ever produced.

It was at this juncture that the Irish rebellion broke out in 1798. “England’s difficulties have ever been Ireland’s opportunities.” Irishmen in England and abroad were plotting treasonable acts, and sympathy with the

French revolution was prevalent in the north as well as in the south. Many people in Ulster openly expressed their delight at the French victories, and some of the Presbyterian clergy in Belfast were praying in their chapels for the success of the French armies and preaching sedition and treason from their pulpits. In response to a request for help, the French had succeeded in landing in southern Ireland, and an uprising followed. It was easily subdued, but it left an indelible impression on the minds of the English. King and people were thoroughly roused; it was felt to be necessary to assume entire control of the country at all costs, for by their laws the Irish were free to differ from England on constitutional matters and to evince active dissatisfaction with her foreign policy.

On the 22nd January 1799 the following message from the King was read in both Houses of Parliament:

“GEORGE R.

His Majesty is persuaded that the unremitting industry with which our enemies persevere in their avowed design of effecting the separation of Ireland from this Kingdom cannot fail to engage the particular attention of Parliament and His Majesty recommends it to this House to consider the most effectual means of counteracting and finally destroying this design, and he trusts that a review of all the circumstances which have recently occurred (joined to the sentiment of mutual affection and common interest) will dispose the parliaments of both kingdoms to provide, in the manner which they shall judge most expedient, for settling such a complete and final adjustment as may best tend to improve and perpetuate a connexion essential for their common security and to augment and consolidate the strength, power and resources of the British Empire”.

Sir John Mitford's speech in the debate that followed is of special interest in view of his future relations with Ireland.

"Every Government, he said, must possess the means of carrying into execution those measures the expediency of which no man doubted. In the present case, setting aside the internal situation in Ireland and considering only the relative situations of the two kingdoms, the expediency of a Union would be manifest. What was their situation? They formed one Empire . . . their language, manners and habits were the same; they were one people under one Sovereign, having two localities and from that circumstance alone forming almost two states, united by one common head, having many bonds of connection. It was well said, in the other country, that the Empire in its present state resembled a monster having two bodies united under one head. In all the various governments that had existed in different periods of the world there was not a similar example in history; unless the case of Scotland was to be considered such from the accession of James to the Union. Could it remain so without danger of separation and dissolution? . . . It was true that Parliament had acted wisely and properly in enacting similar provisions to those adopted previously in this country; but when it was recollected that Acts of Great Britain had no validity in Ireland and that we were divided into two independent legislatures, it might hereafter happen that Ireland might adopt such measures only partially or with difficulty, or even not at all. . . . Did not this alone show the necessity for some further connection between the countries and for instituting some legislative unity of will? . . . If there was nothing to be apprehended on the part of Ireland that they would be subjected to harsh and severe terms, it must be a measure highly advantageous

for their interest, for they had nothing more to do than to stipulate that they should be admitted to all the privileges of subjects of the same Empire and to secure an equal treatment for themselves with the rest of the kingdom. . . . He did not wish to speak harshly, but Ireland must be considered as a conquered country. The English settlers first kept possession by force and this formed the distinction between them and the natives. Afterwards the Reformation came and split them into religious sects. The Protestants had gained, and by the help of England had hitherto maintained, the ascendancy. Under such circumstances Ireland was not and could not be a well-governed kingdom. He was convinced that the measure proposed was the only remedy which could remove the evils that afflicted Ireland.”¹

Among the most important pieces of legislation passed in 1799 and 1800, for which Sir John Mitford, as Solicitor-General, was largely responsible, were the Combination Laws. They influenced the industrial position of England during the following twenty-five years and they require more than a passing notice.

The Acts originated in a dispute between the master millwrights and their men. The latter asked for an increase of wages, and the refusal of work to those who would not join a union which existed among them to procure better conditions. The masters rejected the men's demands; the latter stopped work, prevented others from taking their places and raised a common fund. Business was at a standstill. In April (1799) the masters petitioned the House of Commons for redress, and their action finally resulted in the passing of the Workmen's Combination Bill—an Act for rendering illegal all combinations of

¹ *Hansard*.

workmen for the purpose of raising their wages and improving conditions of labour. The credit—and odium—of the measure were due to Pitt, who introduced the Bill, and to Mitford, who drew up its terms and energetically seconded Pitt in steering it through the House.

An outcry was raised at once, and protests to Parliament poured in from the great industrial centres. The men received the powerful support of Sheridan. Tyrannical as the measure appears to us to-day, there was a good deal to be said for the employers of labour. It was not the aims which aroused opposition so much as the means employed to gain them. The Masters complained that the trade combines attained their ends by unlawful ways; that by personal violence they prevented men from taking work at lower rates than those decided upon by the Union leaders; and that they committed innumerable outrages, including murder and destruction of valuable property. Great exception was also taken to the way in which the Unions were managed and members enrolled: it was stated that the latter were terrorized by the administering of secret oaths to secret committees and were afterwards obliged to carry out whatever action was decided upon by the leaders.

The following year the Act was replaced by another, introduced by the Tory member for Liverpool, the chief difference between the two Acts being the addition of clauses by which both sides referred their controversies to arbitration.¹ It was difficult to enforce their observance, and the Combination Laws were often ignored by both sides until they were repealed in 1824.

In 1799 Sir John Scott became Chief Justice of the

¹ For the provisions of the Acts, see *History of Criminal Law of England* by Sir James Fitzjames Stephen (3v., 1883), III, pp. 206 *et seq.*

Common Pleas, and was given a peerage. Sir John Mitford succeeded him as Attorney-General in July, when he resigned his seat at Beeralston and was returned for the borough of East Looe, in Cornwall. Between these two men there existed an affection which only ended with Mitford's death. Scott was a man of humble birth, who, by his ability and industry, raised himself step by step to one of the highest offices in the State. He was born in Newcastle in 1751 and his father was a middleman in the coal trade, but he possessed, in Mitford's eyes, a virtue which out-weighed any disadvantage with which he had started life. He was a Northumbrian, a shrewd, steady, independent Northumbrian, and the two men understood each other thoroughly. On being ennobled Scott consulted Mitford with regard to his title. He wanted to take the name of Avondale, but his friend opposed the suggestion, explaining that the dale was the property of the Beaumont family, with whom Scott was in no way connected, and who might therefore resent the choice. Scott gave way and chose that of Eldon, which he made famous as a great Lord Chancellor and a much-criticized man.

CHAPTER III

SIR JOHN MITFORD was a member of the Commissions appointed to inquire into the state of the public records; the work interested him deeply and took up much of his time. Wars and popular disturbances had destroyed or displaced many of the records, and official documents were scattered about or hidden in remote places, where they rotted away forgotten. Spasmodic efforts had been made from time to time by both Houses of Parliament to bring them into order and to ensure their preservation, for their value was well recognized. In 1692 the Government decided to publish, under the title of *Foedera*, important documents dealing with England's diplomatic relations with foreign powers, and the task of editing the work was entrusted to Thomas Rymer, who was authorized by warrant to search the public records and repositories for the purpose. The first volume—the result of eleven years' research and hard work—appeared in 1704, and the undertaking was finished in 1717 (by Robert Sanderson) with the publication of the seventeenth volume: three additional volumes were afterwards brought out, the last being issued in 1735.

The great value of the *Foedera* was immediately recognized, in spite of some inaccuracies of statements and of dates. It was suggested that a similar investigation should be carried out with home records, and that they should be properly housed and made accessible to the people, "for it will be a public damage and dishonour to the Kingdom to suffer such monuments of antiquity to perish."

Preliminary work was carried out during the reigns of Anne and George I. In 1731 the fire in the Cottonian Library drew public attention again to the matter. The House of Commons started another and a wider inquiry and, as a result, presented a report, with an address to the King, and some of their recommendations were adopted.

By 1800 the country's records had relapsed into something like their former state of neglect and a large increase of papers in every State department had made matters worse. Since the previous inquiry the Nation had acquired valuable collections and the difficulties had thereby greatly increased. The House of Commons possessed a vast mass of documents, the contents of which were unknown, and no one had the authority to give leave to examine or to remove them. The Courts of Common Law contained valuable papers so carelessly housed that they ran the risk of being destroyed by fire; those of the Common Pleas were perishing from damp; the records in the office of the Lord Treasurer's Remembrancer were in such a state of confusion that it was impossible to find papers known to be there and important cases could not be settled in consequence. The Exchequer of Equity contained many documents relating to tithes, landmarks, boundaries and other matters of great concern to the people which were so carelessly guarded that they could easily be falsified or even removed. The vast stores hidden in cathedral and university libraries had not been investigated and no one knew their condition or what treasures they contained. The parochial registers, which were of vital importance to all classes of the community, were kept in a slovenly manner, usually in the house of the parish clerk, and treated accordingly; it was therefore often impossible to prove marriages. In Scotland affairs were even worse. It

was felt by everyone interested in the subject—which included some of the ablest Members of the House of Commons—that if the work of restoration and classification was to be undertaken there was no time to lose.

On the 17th February 1800 Charles Abbot, the moving spirit in the matter, consulted the Attorney-General and explained his views and pleas. Sir John Mitford was in full sympathy and at once offered his help. The following day Abbot called the attention of the House of Commons to the subject and moved: "That a Committee be appointed to enquire into the Public Records of the Kingdom and such other public instruments, rolls, books, papers as they shall think proper and to report to the House the nature and condition thereof, together with what they shall judge fit to be done for the better arrangement, preservation and more convenient use of the same." He suggested that the officials in charge of any collection of records dealing with affairs of national concern should send up statements by experts on the nature of the documents and the dates with which they dealt, who would furnish the House with information, arranged and tabulated in proper form; that enquiries should be made on the state of the buildings in which the records were lodged and that, if necessary, they should be repaired, but that no papers should be removed, except for urgent reasons; that information should be obtained regarding the state of the catalogues and the rules regulating research among the documents, in order that they might be made as easy of access as possible to students and others desirous of knowing their contents. He hoped that the fact of a Parliamentary visitation would arouse the custodians of national records to a sense of their duty; that it might also result in the discovery of documents which would prove of great

value to the country; and that when the work of the Commission was finished, Parliament would at least realize the urgent need for a centre where all documents dealing with landed property could be properly housed, cared for, and open to public inspection. Mr. Abbot's motion was seconded by the Master of the Rolls. It was well received by both parties in the House and a Committee, which included the Attorney-General, was appointed, with John Caley, Keeper of the Records in the Augmentation office, as secretary.

On the 22nd February 1800 the committee met for the first time at the British Museum and began the work of inspection. A difficulty arose with regard to the records in the custody of the Clerk of the Parliament; it was thought that the House of Commons could not call upon him for an account of them without a message and that the Committee could not order it. The Speaker was of opinion that the Committee had the right to investigate the records, and that to send a message would be waiving that right. The Parliamentary records were, therefore, removed from their quarters over the ceiling of the House of Commons, taken into one of the Committee rooms, and there inspected. Experts were appointed to work under the Committee's orders, and records which were considered of sufficient national importance were selected to be published. A search was made in the Chapter House for the Hundred Rolls, which, when discovered and added to those already in the Tower, were found to be nearly complete. Some Assize Rolls of Richard I, King John and Henry III were also examined and safeguarded. Plans were approved for fitting up repositories in the vaults under East Street at Somerset House and a plan and estimate for an office adjoining the Chapter House.

Charles Abbot (afterwards Lord Colchester) was the moving spirit in these proceedings and I am greatly indebted to his diary¹ for much of the information given here. He consulted the Attorney-General on every important matter, for Sir John Mitford was keenly interested in the investigations. His ardent hope was that eventually he would become Master of the Rolls and in that capacity would have charge of these priceless possessions. His wide historical knowledge enabled him fully to appreciate their value and no man would have guarded them with greater love and understanding. But it was not to be.

A report was drawn up and presented to the House by Mr. Abbot. It proved of great value, for it dealt with the public records accumulated in the storehouses of England and Scotland. A committee was appointed to prepare an address to the King which was submitted to, and passed by, the House on the 11th July 1800.

The Prime Minister delivered the King's answer to the House five days later. The outcome of the Address was the appointment of the Royal Commission, to whom was given the charge of all the Country's Records, with the authority to arrange and publish them as they thought best. Unfortunately, dissensions began at once. On finding that the Commissioners had called upon the State Paper Office for information, the three Secretaries of State obtained the Prime Minister's consent to having their names inserted in the new Commission. Their action was greatly resented, but the work went on.

At the second meeting of the Commissioners, eight sub-commissioners were appointed, some for Scotland. Complaints from the Bishop of London were received

¹ C. Abbot (2nd Lord Colchester): *Diary and Correspondence of Lord Colchester* (1861).

with regard to the imperfect condition of the parochial registers owing to the omission of any record of the burial of dissenters in private burial grounds. Letters were written to the two archbishops requesting them to compel the clergy to send copies of the parish registers annually to their diocesans or the chancellors "according to the canons of 1603." Apparently this suggestion was not complied with, for twelve years later Mr. Rose, speaking in the House of Commons on the Parish Registers Bill, advised a similar scheme, so as to reduce to some system of order the confusion into which parochial documents had drifted. A list of the public libraries was prepared where copies of all papers printed by order of the House of Commons must be deposited. The political crisis which took place in January 1801 and which resulted in the resignation of the Prime Minister, the appointment of the Speaker in his place, the succession of Sir John Mitford to the Speakership, and the nomination of Abbot to the post of Chief Secretary for Ireland, were changes sorely felt by the Commission. By Sir John Mitford's departure for Ireland in the following year the Commission was deprived of the services of one of its most capable and learned advisers.

At the close of the year 1800 England was still in so disturbed a condition that Sir John Mitford brought forward a motion for leave to continue the Habeas Corpus Suspension Act for a limited time. He was supported by Pitt, but met with violent opposition from the enemies of the Government. The Act was condemned as cruel, unjust and oppressive, and he was accused of introducing the motion to escape from the difficulties in which he would be placed when the persons arrested under the Bill were set free. A bitter personal attack on him was answered

by his devoted friend Spencer Perceval, who pointed out that, as the Attorney-General was not a member of the Executive, he was not responsible for any use that had been made of the Bill. Leave was given by 51 votes to 13.

In a debate on the second reading of the Bill, Sir John Mitford in replying to his detractors said that, having the concurrence of so large a majority of the House, nothing would deter him in the situation which he had the honour to hold from doing his duty. He trusted he should possess sufficient firmness, in spite of every threat, to persevere in measures which he thought right. He was persuaded that the people at large felt their obligations to Ministers, and that from time to time they had defended the Constitution which they had been charged with destroying. On the third reading the Bill passed by 42 votes. It was to continue in force till six weeks after the beginning of the next session.

An extract from a letter written by Sir John Mitford to Lord Chief Justice Kenyon at this period is interesting as showing the methods he adopted with regard to State prosecutions.

"Lincoln's Inn,
5th Feb., 1801

... The newspapers which your Lordship has sent me I shall take the liberty of shewing to the Solicitor-General. In these cases I have generally followed the rule which Lord Eldon adopted for his conduct—to notice, as much as possible, those cases *only* which did not personally involve his Majesty's Ministers; conceiving that there was a much greater chance of success in prosecuting for libels aimed personally at his Majesty, or against the constitution in church or state, than where ministers were directly the objects of the libel. The many cases in which juries have

shewn an indisposition to notice personal attacks on ministers have induced Lord Eldon and me to think that this forbearance was, on the whole, prudent. We have had, during the last seven years, many a painful moment in the consideration of these subjects; many more, not only than the world will give us credit for, but than even your Lordship can, from any view of the cases which have come under your own eye, conceive. I think the press, on the whole, is become more decent; and I flatter myself that the very temperate exercise of the office of Attorney-General, whilst Lord Eldon held it, and since it has been in one who has carefully followed his steps, has had an effect in producing a general persuasion that the powers of that officer have never been used, but where the case manifestly demanded that they should be put in force".¹

The first Imperial Parliament of the United Kingdom met in January 1801. It was confidently expected that a Bill would be brought in relaxing the laws relating to the disabilities of the Irish Roman Catholics, and many Irishmen had given their support only on that understanding. Pitt desired to introduce such a measure, but the King was violently hostile and had announced that he would look upon any man who proposed it in the light of a personal enemy. Pitt considered his honour was involved, and after some correspondence, in which the King complained of the want of candour with which he had been treated, Pitt resigned and the King's special favourite, Mr. Speaker Addington, was appointed Prime Minister in his stead. Addington at once proposed the Attorney-General to succeed him in the office of Speaker. The suggestion had been made to Sir John Mitford several years before, when Addington's name had also been brought forward, but

¹ H. Twiss: *Public and Private Life of Lord Chancellor Eldon* (1844), I. 358.

he declined at the time, as he would not stand against his friend and he did not consider his professional position warranted him in making the change. On the 3rd February he wrote a long confidential letter to Addington, explaining his position, and he concluded by saying that he would be willing to abide by any decision that was come to in the matter.

This was a virtual acceptance and Addington wrote to the King on the 9th: "Sir John Mitford is the person intended to be proposed as the Speaker's successor in the Chair of the House of Commons, the duties of which no man appears to be better qualified to discharge to the satisfaction of the House and of the public. On this ground the Speaker presumes to hope that the nomination of Sir John Mitford will be honoured by your Majesty's approval." The King was delighted at the suggestion and replied: "There could not be a stronger proof of our joint endeavours to save this dear country than the choice of Sir John Mitford as Speaker of the House of Commons, just notified to me by Mr. Addington. I desire the commission may be instantly prepared for approving the choice the House of Commons has made and that the Chancellor will have it sent as soon as possible for my signature."

On the 11th February Lord Hawkesbury rose to propose a fit person to fill the Chair of the House through the resignation of Mr. Addington. Addressing himself to the Clerk of the House, he said:

"In order, Sir, to supply the loss we have sustained, I trust I shall name one to fill the Chair of this House whose election to that eminent situation will be no less creditable to the dignity of the House than honourable to the object of its choice; a person who, by his extensive knowledge of

the laws of his country, has raised himself to the head of that profession of which he has ever since been so distinguished a member; a person whose mind and habit of thinking have not been contracted by abstract application to the peculiar study of his profession, but whose attention has been devoted to the attainment of a comprehensive knowledge of the history, laws and customs of this and other countries by the comparisons of which he has acquired, in a superior degree, the means of justly estimating the invaluable blessings of the English Constitution. In saying this I am persuaded the House will anticipate me in my intention of proposing Sir John Mitford, by referring the qualities I have enumerated to that honourable and learned gentleman. Sir, if unbounded knowledge of the laws, constitution and government of the country, if energy of character, if independence of spirit, if great integrity, and manners the most conciliatory, be talents required for a Speaker of the House of Commons, I believe no person can be named who possesses these qualifications in a higher degree than the honourable and learned gentleman I have proposed. I shall conclude by moving 'that Sir John Mitford do take the chair of this House as Speaker'.¹

Mr. J. H. Browne seconded the motion. After referring to the late Speaker he said he had only now to express his happiness that there was another person in the House so well qualified in every respect to be his successor in the Chair. All would allow him to be learned in the law—than which no qualification was more requisite for a Speaker of that House. He had always evinced the most fervent love for the Constitution and for his Sovereign. His temper and manners were such as to conciliate the jarring

¹ *Hansard*.

opinions of others. At this alarming period the great object of all parties ought to be to maintain the constitution of the country, and how could it be more efficiently defended than by placing in that Chair a person who honours it best and loves it most?

Sir John Mitford, who had resigned the position of Attorney-General in order to stand for election as Speaker, characteristically declined to go through the usual farce of self-depreciation, which he thought undignified and hypocritical, or to inquire of the House whether he was suitable to the position to which he had been proposed. He felt that, after the high office he had just filled, it would be improper as well as unnecessary to make such an appeal: he was, also, following the example of his predecessor.

His appointment was opposed by Sheridan, who, while agreeing with the panegyric passed upon him, objected to the statement that the qualifications for a Speaker were best to be found in the legal profession. He maintained that the ancient practice had been for the House, in considering a proper person to fill the Chair, to look to the country gentlemen of independence and talents. He inquired why the learned gentleman had given up the position of Attorney-General? Had his appointment to the Chair been pre-arranged? He ended by referring to Mr. Dundas whom he wished to propose to fill the place of the late Speaker.

Mr. Pitt replied that if Mr. Sheridan had looked at the Act of Parliament he would have found that it was not only impossible for Mr. Dundas to express in the House his assent or dissent to the choice of the House, supposing it should fall upon him, but he could not even be present at the debates without incurring the penalties prescribed by one clause of the Act in question. He hoped the matter

would not be pressed any further. The first objection raised by Mr. Sheridan to this motion was most extraordinary; namely, that Sir John Mitford belonged to the legal profession, in which he had attained the highest rank to which talents and industry could raise any man. It could not be denied that legal knowledge, and that application to business which generally accompanied it, must be extremely advantageous in the discharge of so arduous an office. A man who studied law must acquire an intimate knowledge and a love for the Constitution; and, so far from being objections, these were the strongest recommendations to a candidate for the Chair of that House. The other objection that had been made was still more singular. That Sir John had done that which, if he had not done, would have disqualified him; namely, resigned his office. Pitt pointed out that Sheridan had proposed one person who was not eligible for the office of Speaker and objected to another because he had qualified himself for the post. Sir John Mitford's conduct on this occasion had displayed that manliness and sincerity which he had ever shown and which must recommend him to the favour of the House.

Within a week of Sir John's appointment his former opponent, Horne Tooke, took his seat for Old Sarum. It was an awkward moment when he went forward to shake hands with the man who had strained every nerve to obtain his conviction. Both men, however, were famed for courtesy, and as neither bore the least malice the Speaker's friendly greeting was cordially acknowledged.

CHAPTER IV

GREAT interest was aroused in Dublin when it was known that John Fitzgibbon, Earl of Clare and Lord Chancellor of Ireland, was suffering from an illness which would soon prove fatal. There were few chances of promotion for the Irish Bar and it was generally hoped that this high post would be given to an Irishman. Lord Hardwicke had recently been appointed Viceroy; he, also, was anxious that Irish claims should be gratified and he wrote on the subject to the Prime Minister.

Lord Hardwicke also wrote in the same strain to Lord Pelham (the Home Secretary) and to his brother, Charles Yorke. To the latter he expressed the opinion that "If he [Lord Clare] should die, Lord Kilwarden would be the properest person to succeed him, for at present it would not be right to bring a Chancellor from England".

Lord Clare died on 26th January 1802 and the news was received officially in London four days later. The Prime Minister immediately desired the Speaker to wait on him that afternoon, and Sir John Mitford was informed of the circumstance and that it was the wish of His Majesty's Ministers that he should succeed Lord Clare as Chancellor of Ireland. Sir John was profoundly distressed and dismayed. He felt he was being called upon to make a great sacrifice, and he expressed reluctance to leave England and the congenial position he held in order to take office in a country quite unknown to him: but at the desire of the Prime Minister he consented to consider the subject further.

On the evening of his interview with Mr. Addington,

a letter from the Duke of Portland, Lord President of the Council, was put into his hands by the Prime Minister. It was only sealed with a wafer, so the Speaker understood that it had already been read and approved by Addington. It was undated.

"The event of Lord Clare's death necessarily puts the situation to be filled at your option. I trust you will not think me importunate in making it my earnest prayer that you will not give way to any disposition to reject, but upon the most serious and deliberate consideration will let me entreat you to consider that the maintenance (perhaps I should not say too much if I said the establishment) of the Law in that part of the kingdom depends most materially on your determination: and that your acceptance of that office cannot but contribute most essentially to secure and dispense one of the first and greatest benefits which the friends of the Union proposed to themselves to derive from that important measure."¹

Knowing the Lord Lieutenant's anxiety on the subject of the new Lord Chancellor, the Home Secretary, the Chief Secretary for Ireland (Mr. Abbot) and Charles Yorke all wrote to him on the first of February. Lord Pelham replied to Lord Hardwicke's letter of the 19th January as follows:

"... I have now to inform your Excellency that there is a good reason to hope that Sir John Mitford will accept the Seals, which would be, in my opinion, next to the Union, the greatest blessing to Ireland that can be imagined. I entertain a very high opinion of Lord Kilwarden's talents and should have no doubt of preferring him to any person at the Irish Bar—but, taking the Bar of the Empire, I have

¹ B.M. Add. MS. 35707 f. 232.

no doubt in saying that Sir John Mitford is the fittest man to succeed to any vacancy that might arise in either kingdom, if I may still use that term of distinction. There is not a doubt at the Bar of England of his being pre-eminently the best equity lawyer in the profession."¹

Mr. Abbot wrote to his Chief:

"Irish Office,
Feb. 1, 1802.

Most Private.

My dear Lord,

Lord Clare's death was announced to us this evening. I saw Addington at [once] and he wrote to Lord Eldon and has seen Mitford. It is more than probable, though not decided, that Mitford will succeed Lord Clare. It is admitted that of all Irishmen Lord Kilwarden is unquestionably the best fitted and his character is highly respected here. But it is felt upon grounds of policy by *all the Cabinet* that an Englishman, or at least such an Englishman as Mitford, should be Chancellor at this particular conjunction. Lord Eldon looks to the assimilation of system in the Courts of Equity of the two countries as of the highest importance to the prosperity and interests of both. And all agree that Mitford is super-eminently qualified to cement the Union in this point".²

The Duke of Portland's flattering letter still left Sir John Mitford very reluctant to consent. At the age of fifty-four he was being asked to break with his brilliant past and to embark upon an uncertain but probably stormy future; to alter his mode of life; to leave his home and his friends, his interests and his work—everything that made life worth living. He knew that an Englishman in an official capacity in Ireland, determined to do his duty, was

¹ *Ibid.*, f. 229.

² B.M. Add. MS. 35712, f. 73.

bound to have his character tarnished and his motives misconstrued. In common with many another legislator, before and since, he looked upon Ireland as the *enfant terrible* of the Empire, as a country of disordered minds and ideas, and her people as having the weaknesses he most disliked and none of the virtues he most admired. Exile in Erin also meant separation from the society of the lady to whom he was deeply attached, and who in the following year became his wife. He was filled with anxiety and forebodings for the future, but was eventually persuaded to accept the post, and he was created a peer of the United Kingdom, with the title of Baron Redesdale of Redesdale in the County of Northumberland.

Ministers were greatly relieved at the satisfactory ending to a situation which had been causing much anxiety, and Lord Chancellor Eldon voiced the general feeling of the Government when he remarked that the appointment was "the greatest boon that had been conferred on Ireland." Sir John Mitford was Speaker for little over one Session.

The appointment was well received in Ireland. Marsden, the Permanent Under Secretary for Ireland, writing from Dublin to Sir George Shee, says: "Sir John Mitford's appointment appears to give general satisfaction here." The Dublin papers also were all cordial, and the *Dublin Evening Post* of the 16th February published the following character sketch of the new Lord Chancellor:

"Sir John Mitford, to whom His Majesty has entrusted the Irish Seals, has from his earliest practice maintained a high character at the English Bar and is a lawyer of the most acknowledged soundness and ability. He has written on our laws like a man well acquainted with his subject,

which he has illumined with his knowledge and experience; but he is not the mere lawyer: he is also a scholar and a philosopher, characters which cannot fail to assist and exalt the decisions of the Chancery Bench—he will neither endanger right by precipitancy nor clog the progress of justice by delay. We have never heard much of him as a politician nor seen him involved in the juntos of party, and this must give us the more hope from him as a judge: the Chancellor will not be sunk in the Courtier. But if his name has not been conspicuous as a partisan, it is not unknown to literature; it ranks high in the republic of letters and is recognized by Genius, Learning and Philosophy. The man directed by these guides must move in the sphere of benevolence and liberality and his mind cannot submit to the shackles of prejudice and bigotry. He cannot walk in the narrow and crooked path which the evil genius of this country has too long marked out for the Irish Statesman. Such a man have we wanted, and if his conduct shall confirm what his general character promises, Sir John Mitford will find that if the people of Ireland have not hitherto been treated with wisdom, liberality and justice, it is not because they are unable to appreciate or unwilling to applaud these virtues.”

The Dublin Journal (13. 2. 1802) referred to Lord Redesdale as “a man in every way qualified for this important station,” and *The Hibernian Journal* said the appointment opened to the people of Ireland “the pleasing prospect of seeing this high office exercised with correct judgment and philanthropic liberality.”

PART II.—IRELAND

“It has ever been the sin of Ireland to confound men and measures, and to brand the person when his policy has been disapproved”.—C. Phillips: *Curran and His Contemporaries* (4th edn., 1851), p. 193.

CHAPTER I

LORD REDESDALE'S acceptance of the Irish Chancellorship was the dominating and tragic event of his political life. He had yielded to the wishes of the King and the entreaties of the Cabinet and had broken with a brilliant past for an uncertain and dubious future. He was leaving behind him country, friends, home, family, a high position won by ability, hard work and inflexible integrity, which was certain to lead to still higher honours. He felt he had sacrificed his prospects, and he viewed his existence in a land distracted by religious and political strife with deep misgivings. Had he known of the calumnies, jealousies and underhand plottings, the nerve-racking struggles he was to endure, culminating in the premature close of a great career, even his fortitude would hardly have been proof against the tremendous odds he was being called to face. It was well that the future was hidden from him as his boat came slowly into Dunleary harbour on the evening of the 21st April 1802—and he passed to his fate.

It is recorded that no suitable conveyance was waiting for the Lord Chancellor when he landed and he drove to his house on a jingler—a species of jaunting-car—to the surprise and amusement of the people. The same evening he wrote to the Viceroy announcing his arrival and the following morning he was sworn into the office of Lord Chancellor; a few days later he took the oath and his seat as Privy Councillor.

Of the men with whom Lord Redesdale was hence-

forth to be associated, Philip Yorke, third Earl of Hardwicke and Viceroy of Ireland, stands out clearly before us from the private records of the time—simple, straightforward, manly. Placed in a position of extraordinary difficulty, he filled it with great tact, patience and devotion to his Country and the public service. The two men came to know and appreciate each other's sterling qualities and there soon grew up between them a loyalty, understanding and affection which nothing destroyed. Lord Hardwicke had only succeeded Lord Cornwallis in the office of Viceroy a short time before Lord Redesdale's appointment; but Hardwicke and Redesdale became the two outstanding personalities in the history of the succeeding four eventful years. They worked in full co-operation, each appreciating the other's point of view where it differed from his own and trying to meet it. Their mutual esteem helped in no small degree to carry them through the anxieties and difficulties of their position. One seldom took an important step without consulting the other, and the Chancellor was never too busy to put his wide experience and keen intellect at the service of his friend. The influence he acquired in time over the Lord Lieutenant was well known, and in some quarters it was greatly resented. They formed an interesting contrast: the Lord Lieutenant, a sensitive, gracious, dignified figure, full of charm; the Lord Chancellor, the embodiment of solid, British common sense, vigorous and combative, but abounding in kindness and human sympathy. He had none of the personal magnetism of Hardwicke, but both men had thought and felt deeply on the graver aspect of human affairs; they lived, as far as possible, up to the high standard they had set for themselves and they make us realize very forcibly the priceless value of character, especially in public life.

Lord Redesdale found an old and valued friend in William Wickham, the Chief Secretary, who had been Under-Secretary of State in the Home Department when he was Solicitor-General and Attorney-General. Wickham was a trusted and highly efficient public servant of wide experience and sound judgment. His opinion of the Chancellor was expressed in a letter to Lord Hardwicke on the question of raising a militia to supplement the regular army for the defence of the country.

“‘Upon the whole,’ Wickham wrote, ‘I am not sorry that the question has arisen because it has given your Excellency so good and so early a proof (of what, indeed, no one doubted) that Lord Redesdale was the most valuable present the King could have made to Ireland’.”¹

Alexander Marsden, the Permanent Under-Secretary to the Lord Lieutenant in the Civil Department, was an unpopular official who was generally considered difficult to work with, but who was evidently anxious to oblige the Chancellor and with whom he generally kept on friendly terms. The letters between them show, with a few exceptions, a conciliatory spirit on both sides.

Great satisfaction was expressed in Dublin when Lord Redesdale decided to retain Mr. O'Dwyer, his predecessor's secretary, whose official conduct had won general esteem and whose experience would be of great advantage to the litigants whose causes were pending. The appointment was regarded by the Dublin Press as “a strong and pleasing earnest of that impartiality and wisdom which general opinion attaches to the judicial character of Lord Redesdale.”

¹ B.M. Add. MS. 35713 f. 133.

At this period the Chancellor suffered from intense depression and everything combined to strain further his over-wrought nerves. His luggage, which had been sent on a month in advance, had been unaccountably delayed in the river and did not sail from London till he had left. Although his carriages and horses were already in Dublin he was without harness, liveries or any of the necessary trappings with which to wait on the Viceroy and to go through the ceremony of opening his Court on the first day of Term. A difficulty had also arisen with regard to his plate, which had been held up owing to a misunderstanding in London; and the arrangements regarding his salary and pension were not yet settled and were causing him anxiety. All these worries affected him greatly and three days after he landed in Ireland he wrote to Marsden—"My mind has been so much agitated during the last three months that I am not myself. I hope time will produce more quiet and restore to me the health, the spirits and the temper which I have lost." This was a great admission for so dignified and reserved a man.

Lord Redesdale had bought 6 Ely Place, a large handsome house, formerly the property of his predecessor and situated in a convenient part of the city. Lord Clare had considered it too small for his lavish hospitality and had enlarged it by many additional rooms, a fine banqueting-hall and a magnificent staircase lighted by a lantern roof. The walls were decorated with stucco and were further adorned with devices representing the Mace, Sword and Purse, emblems of the Chancellor's office. Lord Redesdale re-decorated it, and the beautiful residence—one of the finest in Dublin—remained his town house during his stay in Ireland; but the dirt and din of the narrow, smelly, airless streets tried him greatly. There were many fine

old places in the suburbs, within an easy drive of Dublin, and shortly after his arrival he bought Ardrin, at Kilmacud, a country seat of about sixty acres, four miles from the city, and he resided and entertained there in preference to his town house. Dublin, in Redesdale's time, was not an attractive city for an Englishman to live in, especially an elderly gentleman accustomed to every luxury. On fair days the roads were infested with footpads, who robbed and sometimes murdered their victims, and the glaring inefficiency in every branch of the public service allowed the outrages to continue and increase unchecked. Stephen's Green was described by a contemporary paper as an ill-kept space traversed by an unequal gravel path flanked with old elm-trees and a shabby bank covered with an untidy hedge. A dirty ditch of nearly stagnant water ran through it, into which were thrown the putrid carcases of cats and dogs. The universal dirt constituted a serious danger to the health of the community. Dublin was described about this time by a visitor from England as "one great stink." Some of the streets, through which pigs roamed at will, were almost impassable, and luckless pedestrians were obliged to walk in the roads, often streams of mud and manure, where they chanced being run over and covered with filth by stampeding horses in car, coach or dray, wildly urged on by intoxicated drivers. If a street was clean, it was generally found to contain the residence of a Commissioner or other local magnate. There was an insufficiency of parapets at the different canal bridges, and carriages and horses ran the risk of being precipitated into the murky water.

"Expenses here are very great," the Chancellor wrote to a friend, "especially to a stranger. A few articles are

cheaper than in England, but an Englishman cannot live like an Englishman at nearly so cheap a rate in Dublin as in London. If he can adopt the habits of the country and be content without a thousand comforts which he has been used to in England and live in the true Irish style, he may, perhaps, make something of external show rather cheaper than he would in London; but every real luxury and almost every convenience is cheaper in London and everything is infinitely better. The paper I write on and the pen I write with remind me how execrably bad almost every article of manufacture is, and how abominably dear it is at the same time. I must endeavour to make my farm a comfortable residence for I cannot submit to live all the year in the stew and dust of Dublin."

The legal institutions of Ireland had developed on the same lines as those of England. The office of Lord Chancellor of Ireland dates from the latter half of the twelfth century and the four courts of Chancery, King's Bench, Exchequer and Common Pleas, with their respective official machinery, gradually grew into the system over which Lord Redesdale was called upon to preside. The members of the Irish Bar at that time were the best educated, and, collectively, the most influential body of men in the country, and among them were names which were, or became, famous in Irish history. The lesser gentry and prosperous middle-class generally educated their most promising sons with a view to the profession. The prospects of the Irish Bar had been greatly improved by Lord Clare, who was responsible for the passing of the Bar Bill, by which thirty-two judicial offices were created with salaries varying from five to eight hundred pounds a year. There were also—remote—chances of a peerage and a seat on the Privy Council. Irish Roman Catholic

solicitors and barristers were debarred from participation in much of the secular national life and they worked at that time under degrading conditions. It was not till 1792 that members of the Roman Church were allowed to become solicitors or to practise at the Irish Bar and even then all the higher and more lucrative posts were closed to them. They could not become King's Counsel or Judges and their chances of success lay in the hands of Protestants who were often their deadly enemies.

The love of ostentatious display was the besetting sin of the Irish Bar in those days. The leading barristers considered it necessary to maintain their dignity by setting up carriages and by living in large houses in the most expensive parts of the city, where they entertained lavishly, enthusiastically encouraged by their women-folk. Few could make incomes anything like large enough to meet their expenses, and the manner in which they struggled for any vacant judicial post was one of the first and greatest difficulties with which the new Chancellor had to deal. The nomination of King's Counsel was an important branch of his patronage; he also had about thirty commissionerships of bankrupts among the other legal appointments in his gift and he was often consulted by the Viceroy on similar matters. Both men had to do the best they could to satisfy a horde of greedy "patriots," swarming round them, scrambling and fighting for places and claiming rewards in fulfilment of promises made by the previous Administration. Letters now preserved in the Manuscript Department of the British Museum are filled with requests for pensions, places, promotions and peerages for the writers or their friends to an extent which could hardly be believed. "To be provided for" seemed to be a universal demand. Men of all classes clamoured for

important and lucrative posts because they were poor and had helped forward the Union in some trivial way. That applicants should be suitable for the position was an idea that rarely entered their minds. If all their voracious demands were not satisfied in full, they deluged the Castle with abusive letters and plotted against the men they had formerly served with so many protestations of loyalty. Lord Redesdale's sense of decency was outraged beyond measure.

“‘You have truly said,’ he told Lord Eldon, ‘that if Irish job is permitted to get into English councils, the Union will ruin England. You never made a more just or more important observation. We are gone, if the spirit of Irish job is not completely put out of countenance’”.¹

From the first he fought against it by every means in his power, and shortly after his arrival in Dublin, he wrote to Lord Eldon (4th May 1802):

“Patronage is here much looked to from habit; and every man's consequence depends, in some degree, on his patronage; and patronage is sought in various ways. This makes it much more difficult to find a man who is wholly disinterested on any subject, or who thinks himself not interested, though in fact he can scarcely be deemed to have an interest. In truth, we have not yet quite got rid of the old habits produced by the old system.”²

¹ H. Twiss, *Public and Private Life of Lord Chancellor Eldon* (1844), I. 432.

² *Ibid.*, I. 431.

CHAPTER II

ON 5th May, the first day of Easter Term, the Courts were opened with great ceremony. The new Lord Chancellor held a Levee at his house in the morning, after which, accompanied by the Judges and gentlemen of the Bar, he went in procession to the Inns Quay where the business of the Term commenced. It was especially noticed that Lord Chief Justice Kilwarden sat with the Lord Chancellor in the procession. Lord Redesdale's attitude to Lord Kilwarden was always marked by special tact and friendliness. On refusing the office of Vice-Chancellor of Dublin University, which in the last instance had been coupled with that of Lord Chancellor, he expressed an earnest wish that the honour might be offered to Kilwarden, by whom it was accepted.

Lord Redesdale had already met the leading members of the Irish Bar at a dinner and reception given in his honour by the Lord Lieutenant a few days after his arrival and the opinion he formed of them is expressed in a letter to Lord Eldon:

"I have found Lord Avonmore a much pleasanter man than I expected to find him from report. Lord Kilwarden is a sensible man, but I think not strong. Lord Norbury—as you know. The Attorney General I like, though he is not high as a lawyer. The Solicitor General has more character and I like him too. Mr. O'Grady is a pleasant young man, Mr. Saurin sensible, but I think discontented. The rest are not of much importance."

The Dublin Law Courts have been described by Grattan as "of all places the most disagreeable." They were close to the river; the present quay was not then built and the damp permeated them. At high tide the water sometimes penetrated into the building itself, and occasions have been recorded when it reached the underground cellars in which were kept the robes, and Counsel found their gowns and wigs floating about in the water. In his *Sketches of the Irish Bar*, W. H. Curran gives a vivid description of daily life in the Dublin Courts of Justice, which is here abridged.

"It was the custom for the Irish Bar to assemble daily in the Hall of the Four Courts. In the centre of the fine building is a spacious circular hall into which several Courts of justice open. Between the hours of twelve and three it is a busy, motley scene, the place of resort for members of the legal profession and their clients, which means the general rendez-vous of the whole community. Every man in Ireland is either a plaintiff or a defendant, so he repairs once a day to the 'Hall' to look after his cause and to confer with his lawyer. Here, too, the political idlers of the town resort to pick up rumours. There is a plentiful mixture of the lower orders and the din is tremendous. Besides the tumult of some hundred voices in ardent discussion, and most of them raised to a declamatory pitch, you have ever and anon the stentorian cries of the tipstaffs bawling out 'the gentlemen of the special jury to the box' or attornies or attornies' clerks hallooing to a particular Counsel that their 'case is on and all lost if he delays an instant,' whereupon the Counsel, hearing his name wafted through the hubbub, breaks from the circle surrounding him and plunges into the Court.

The bustle among members of the Bar is greatly in-

creased by the fact that all of them, with few exceptions, practise in all the Courts. Hence at every moment you see the most eminent darting across the hall, flushed and palpitating from the recent conflict, to fling themselves into the thick of another fray.

There is much noise and motion in the busy scene. The detention of a pickpocket causes a sudden and impetuous rush of heads, with wigs and without them, to the spot where the culprit has been caught. At other times a group of fine girls from the country come to see the Courts and shew themselves to the Junior Bar, and a crowd of young and learned gallants instantly collect and follow in their wake. The Hall is not infrequently thrown into confusion worse confounded by a horse-whipping. When an insult has to be avenged the place is often chosen for its publicity as the fittest scene of chastisement."

The din and confusion in the Court of Common Pleas during Lord Norbury's time baffles description. "How do you earn your living?" asked Norbury of a witness. "Please your Lordship, I keep a racket court," was the reply. "So do I," he exclaimed cheerfully. Lord Norbury, with his jolly fat face and merry grey eyes was a great character in the Dublin of Lord Redesdale's day. His Court was always crowded, and when the heat was overpowering he slipped off his gown and turned his wig back way front, with the tail bobbing over his nose.

Deeply impressed with a sense of judicial prestige and accustomed to the stately administration of the English law, these wild, noisy scenes and the undignified conduct of the Bench filled the new Lord Chancellor with disgust and irritation, but he endeavoured to adapt himself as far as possible to uncongenial conditions. Soon after his arrival he wrote to Lord Eldon:

"I see most clearly that time alone can produce that change which is necessary to enable those who are in situations of power or authority of any description in this country, to act as persons in the same situations ought to act in England; and that whoever looks to Ireland with English eyes only, and thinks of Ireland with English opinions only, will fall into many errors. I have been startled at some acts of authority, which I have been called upon to do as matters of course. But I find they must be done as they have been done; and that although I should think them improper in England, they are unquestionably necessary here".¹

Going on circuit was looked upon in the light of a holiday by the members of the Irish Bar and greatly did they enjoy themselves. The journey was generally performed on horseback, and, as the roads were infested with highwaymen and gangs of thieves, parties travelled together for mutual protection. On approaching their destination they were met by the jury and each party greeted the other with uproarious merriment. The cavalcade then entered the town amid great excitement and they were lavishly entertained by local and country magnates during their stay.

An Englishman anxious to study the national character could not have done better than betake himself to the criminal court on one of these occasions. Long-simmering feuds then came to the boil, each side using every means in his power to ruin his enemy; whole families were brought up for trial. Simple adherence to facts would have been looked upon as despicable weakness, and, in any case, would never have been believed. Wanton prosecutions, carried on with inconceivable malignity, were frequent,

¹ *Ibid.*, I. 431.

and whichever side lost took immediate and drastic revenge. No informer's life was safe. It was almost impossible to get at actual facts; wilful perjury was general, for the laws against it were never enforced. Seeing the case going against his friend an onlooker would unhesitatingly give him "the loan of an oath," and with every appearance of conviction would swear to anything that he thought would save the situation. The legal luminaries present seldom took the cases seriously; it was great fun to them and they indulged in unseemly mirth upon occasions which would have been treated in England with great solemnity.

"'How often have I reproached myself,' says R. L. Sheil in his *Sketches, Legal and Political*¹ 'with having joined in the boisterous merriment which either the jests of Counsel or the droll perjuries of the witnesses have produced during the trial of a capital offence. How often have I seen the bench, the jury, the Bar and the galleries of an Irish court of justice in a roar of tumultuous laughter while I beheld in the dock the wild and haggard face of a wretch who, placed on the verge of eternity, seemed to be surveying the gulf on the brink of which he stood, and presented in his ghastly aspect and motionless demeanour a reproof of the spirit of hilarity with which he was to be sent before his God' "

The new Lord Chancellor was placed at first in a difficult position with regard to the Irish Bar, but all awkwardness was soon overcome by his tact and courtesy. The Bar had been opposed to the Union and had done everything in their power to prevent it, for it narrowed their chances of advancement, which were comparatively few

¹ 2v. (1855), I. 287.

at the best, as the supply of barristers was greatly in excess of the demand. It was also generally felt that this important and lucrative appointment ought to have been given to an Irishman; but, with the good humour for which they were famous, they were ready to take him on his merits. The fact that he had left a high position in England to come to Ireland, they regarded as a compliment. His last three predecessors in office had risen from the people—all honour to them for it! But, apart from their office, they had no social standing in an age when the accident of birth counted for so much more than it does to-day. Lord Redesdale's long lineage and his high position, both in the Law and in Parliament, gave him a status they never had in a country peculiarly sensitive to class distinctions. On his professional side the Irish Bar knew that as a Chancery lawyer he was considered supreme, but even so, his manner of conducting the business of his Court was a revelation to them and the junior members flocked there to learn how a case should be conducted. His rapidity of perception and his acuteness and despatch surprised and delighted them, as did also his glad acceptance of toil and his great power of application. They saw at once that he was quick to appreciate sound argument, clearly stated. He treated everyone's views with respect and attention, but mere frothy argument left him cold, and he ruthlessly brushed aside the impassioned oratory so dear to the Irish heart. They were impressed, too, by his grasp of the intricacies of the law and his judgments were considered models of industry and care.

Taken altogether, the gentlemen of the Irish Bar were a cheery, genial lot, though their habits and customs differed greatly from those of their English brothers. Lord Redesdale considered that "they were a pleasant,

but not a very comprehensible race and that he would have a good many of his old notions to get rid of before he could cotton to so dissimilar a body." The first time he dined with the Irish Bar, when humour is supposed to abound and jokes and banter predominate, they poked fun at the stately Chancellor in a manner which would have staggered the wildest and most irrepressible member of their profession in England. His native reserve and his natural dignity at first raised barriers in the way of social intercourse and he found it difficult to adapt himself to the atmosphere about him, but when the Bar came to know him better, and to realize that his actions were never swayed by paltry personal considerations, they found him a most human and likeable, and to many a lovable, man. Before long they had quite forgiven him for being an Englishman—after all, it was his misfortune, not his fault—and his kindliness made him a general favourite. On his side, he soon obtained a perfect knowledge of the character of the men with whom he had to deal, and he gradually won the confidence of numbers of the Irish people by his sympathetic understanding of their life and conditions and their gratitude for his endeavours to obtain redress for admitted grievances. But he was too dignified and reserved for so emotional a race; they were far more interested in his religion and his politics than impressed by his legal eminence.

Lord Redesdale's difficulty with Irish names was a constant delight to the Junior Bar. One of the barristers was named Geoghegan and the Chancellor made valiant efforts to acquire the right pronunciation. On his return to Dublin from a visit to England, he remarked genially: "I have at last succeeded in mastering the spelling of your name, but I cannot remember how you pronounce it."

The man had meantime changed his name to O'Neill and thought the Chancellor knew it, so he answered: "My name is pronounced O'Neel." Lord Redesdale said nothing at the time, but that evening he remarked to some friends: "The way the Irish pronounce their names is really extraordinary. There is a man in my Court who spells his name G E O G H E G A N and he actually pronounces it O ' N E E L!"

"I never saw Lord Redesdale more puzzled than at one of Plunket's best *jeux d'esprit*," says Charles Phillips. "A cause was argued in Chancery wherein the plaintiff prayed that the defendant should be restrained from suing him on certain bills of exchange, as they were nothing but kites [a slang word for bills drawn to raise money]. 'Kites!' exclaimed Lord Redesdale, 'Kites! Mr. Plunket. Kites never could amount to the value of those securities. I don't understand this statement at all, Mr. Plunket.' 'It is not to be expected that you should, my lord,' answered Plunket. 'In England and in Ireland kites are quite different things. In England the wind raises the kites, but in Ireland the kites raise the wind'".

The accumulation of business in the Courts of Justice was a serious inconvenience and an injury to many interests in the country and Lord Redesdale's intention to sit at an earlier hour each day to facilitate its despatch was warmly commended by the community at large. So anxious was he to prevent delay to suitors that he had his Court opened and presided in it on at least one occasion before the term commenced—a most unusual proceeding, but one he judged to be necessary in view of the amount of business which was to come before him. A few months after

Lord Redesdale arrived in Ireland Joseph Farington records in his diary:

"The present Chancellor of Ireland is very well approved there. His decisions are given with great care and rectitude and he is so solicitous to convince the losing party that he ought to be satisfied with the decision that it sometimes causes him to be more prolix and tedious than the occasion seems to require".¹

The inefficiency of the magistracy gave Lord Redesdale many anxious hours. Every kind of crime flourished unchecked in many parts of the country and no one took any notice of the decrepit old watchmen on whom devolved the duty of keeping order in the small towns. The troubles were often agrarian rather than political, and shocking stories were circulated by the peasants of the cruelties inflicted on them when they migrated to other parts of the country in search of work. There was, consequently, a dearth of labourers for harvesting and it was feared that agriculture would suffer. As a result of these conditions, emigration was increasing to an alarming extent and *Saunders' News Sheet* (10. 10. 1802) stated that 1,800 persons sailed from Ireland between early June and October, while greater numbers were preparing to follow as soon as means could be found for their transport. Many came to London, where they formed secret societies, met in unfrequented taverns, took treasonable oaths, corresponded with France, plotted against the Sovereign and his Ministers or conspired to overthrow the Government—the usual, hare-brained Irish schemes, but none the less dangerous for that.

¹ *The Farington Diary* (ed. J. Greig), 1923, II. 149.

On the 26th August 1802, the Lord Chancellor wrote to the Prime Minister on the condition of the country:

“When I first came to this country I was induced to form an opinion, which I communicated to you, that it was rapidly approaching to a state of quiet. I am extremely sorry to say that I fear I have led you into an error in that respect. . . . In truth, I believe, although the country is apparently quiet, yet the lower ranks are far from being quietly disposed and that nothing but apprehension for the consequences keeps them from a different conduct. I think it fit you should know this and therefore be on your guard. I am far from attributing this disaffected spirit to difference in religious opinions, though that operates considerably. The prime mover of all mischief is the original Jacobin spirit, of which you have had some symptoms in England. Here it pervades a great proportion of the lowest ranks and some of those above the lowest”.¹

The law-abiding members of the community freely blamed the magistracy, who became alarmed at the strong feeling their inaction roused, fomented by caustic paragraphs in the press. They held meetings and issued earnest exhortations, besides pledging themselves to enforce the law. At the best, they were ordinary gentlemen, with no special qualifications, ignorant of the law and often breaking it themselves; cowardly, indifferent and easily prejudiced. As they were always quarrelling among themselves, they greatly enjoyed scoring off each other through the opportunities their office gave them. If one magistrate had had a man arrested with great difficulty, another with whom he happened to be on bad terms would immediately

¹ G. Pellew, *Life and Correspondence of . . . Addington* (3v.), (1847), II. 96.

bail the prisoner out. At the worst, they were guilty of smuggling and of buying smuggled goods; they indulged in illicit distilling; and it was the general opinion that, if they did not actually foment disturbances, they often connived at them. In many cases they declined to act under British statutes. Shortly after Lord Redesdale's arrival, reports of serious disturbances came from County Limerick, and Wickham went down to obtain first-hand information. He found nothing with which the magistrates were not competent to deal and he encouraged them to form associations of leading farmers and citizens to maintain the peace. Other counties also desired to start associations on similar lines. This action was widely commented upon and approved in England.

Lord Redesdale also found the magistrates prejudiced and intractable over the religious question. In order to fulfil a Union engagement he was anxious to have the highly-respected member of an old and distinguished Roman Catholic family appointed to the chairmanship of the quarter sessions of his county, but this was found to be impossible owing to the opposition of the Protestant magistrates, who declared they would resign in a body rather than serve under a Roman Catholic. The Chancellor also knew that many of the disturbances were fomented by officials, working for their own ends. Their statements, besides adding to the public uneasiness in Ireland, were copied with further embellishments into the English newspapers and increased the antagonism already existing between the two countries. He decided that the whole system needed radical reform, and he wrote to Wickham:

“Ely Place,
10th Dec. 1802.

Private and Confidential.

Dear Sir,

I have great reason to think that many improper persons are in the commission of the peace and that many officers of the Army who were inserted during the rebellion, however proper in other respects, yet, as no longer resident ought not to remain on the list. Their names, you know, are called over at the Assizes and there is an indecorum in retaining them after the cause of their insertion is over. I wish you would, with the assistance of Marsden, and such others as may be able to assist you, go through the lists and see who are proper and who are improper or on whom (though not absolutely improper) a watchful eye ought to be kept. I think it would be useful to you to have the lists copied and make observations on each man; his character, connections, general conduct as a magistrate, particular conduct on particular occasions, etc. I think it would not only be useful on other occasions, but would give you a general knowledge of the magistrates in every part of the island, and enable me to judge what ought to be done with respect to retaining or striking out any of their names. I mean to submit the lists of each county to different persons who can give me information, and particularly to the governors of counties. To enable me to judge of the opinions of governors of counties, I must beg leave to have some information from you or Marsden as to the several governors. The whole of this must be in confidence, and therefore I must beg your observations to be on separate papers and not on the lists which I sent and which I must request you to return to me. I have had so many general representations on this subject that I am persuaded that there are many very proper persons omitted. If new Commissions should be

made out, I would add all proper persons, hoping that some may be induced, by that very circumstance, to act, who will not apply to have their names inserted. I must further request you to communicate with His Excellency on the subject and to know his pleasure. I enclose a letter which I think requires attention. I have repeatedly said to you that I am persuaded government ought at present to take much more on itself in this country than it does in England. If there is any truth in the matter stated in this letter it is a case which I think government ought to enquire into rigorously. Compromising felonies is the great misfortune of this country. Indeed, compromising offences of every description (even the most enormous) is too much practised and countenanced by magistrates. I think it useful to shew the country that they may be better governed than they have been, and that those to whom the government is entrusted will be rigorous in enforcing the Laws. If general obedience to law can be once compelled through the Country, the advantage which the people will feel from that general obedience will induce them to wish to enforce it. At present in many parts of the Country the people do not know what sort of happiness it is to live under the protection of the law. It is a happiness which they have never experienced and of which they have never heard because it was never enjoyed by their forefathers. Shew them that the Union will produce to them this happiness and they will soon feel the advantage of the Union. I am sure three or four thousand pounds spent in such prosecutions for three or four years to come will tend as much to keep the country in order as ten Regiments, and the expense will be much less. But you must have the Military ever ready to assist the Magistrates and you must let the Magistrates know that the military will give that assistance, and that the plea of inability to enforce the law will not be admitted

as an excuse. You will, I trust, pardon this long dissertation on a subject on which I have so often troubled you. But I am anxious to gain for all those whom England has sent hither to carry into execution the Union, that popularity which they will deserve and must have, if they shall make the people as happy as the Union entitles them to be".¹

The Chancellor did not take a hopeful view of Ireland's future, and four months after his arrival he unburdened himself on the subject to Charles Abbot, the former Irish Secretary and his successor in the office of Speaker of the House of Commons.

"Cork Abbey,
Aug. 15th, 1802.

My dear Sir,

Since I have been in this country I have had more and more reason to applaud your conduct in it and to be persuaded that it is to be governed for some years to come only by a strong hand and a reforming spirit. The injury which the last job has done us in point of reputation is incalculable. Lord Castlereagh's ideas of making men 'amiable' must be forgotten. If this country is to be kept it is to be by other politics. I believe it to be generally true of a country that 'Corruption wins not more than honesty.'

But in this Country I am persuaded that the maxim which Shakespeare puts in the mouth of a fallen statesman ought most religiously to be adhered to. The *good* they expect from the Union is the destruction of that corruption which they are aware has ruined their country; and they are as much disposed to submit to the privations which the destruction of corruption may impose on individuals as the French are disposed to submit to despotism in

¹ B.M. Add. MS. 35737, f. 138.

remembrance of all their sufferings from revolutionary governments. Every job weighs against the Union; everything which shews a disposition to put an end to job weighs for it. There seems to be but one voice on this subject with persons who consider this as their country, and who are not of the remnant of jobbers. They detest the idea of making men 'amiable' and above all things they detest it when the administration of justice is to be sacrificed. They feel that justice has not been administered in Ireland as it has been in England and that a reform there is the first step to every other reform. A Lord Lieutenant—an English Lord Lieutenant—an English Primate, indeed, English bishops generally and an English Chancellor they consider as essential to the reform they wish for, and they think that in every department Englishmen are more likely to do them justice than Irishmen. Even the tenants prefer an English to an Irish steward. . . . In fine, if Ireland is not to be governed for some years on the principle on which the French are at this moment governed, only with a more honest spirit, and a desire of making them really a free and happy people, I know not what dangers may not be apprehended. The rebellion was a Roman Catholic rebellion, a papistical rebellion, a Presbyterian rebellion, etc. etc., that is, religious principles were used to make the ferment more violent, but Jacobinism was the leaven which worked the whole, and that spirit, I am sorry to say, is still prevalent though it seldom walks abroad. In this country it is at present kept under, but it is slumbering only to watch the opportunity for wakefulness and activity, and instead of decreasing, it is manifestly increasing amongst one description of men, or rather *two*—the Papists and the Roman Catholics as they are called to distinguish them. The principles which distinguish the Roman Catholics from the Papists have a tendency to Jacobinism, good as they are in them-

selves; and I have had occasion to mark this in England as well as here. The adoption of Jacobinical principles by the Papists is more extraordinary, but it is not the less true and it is the more dangerous. . . . Can we make this country Catholic as Scotland is Presbyterian? If we can, the country may be safe. Can we have a Concordat? If we can the country may be safe, but any half measure must destroy it. England was as happy under Canute as under Ethelred or Edward the Confessor, but it was because Canute had the government. It suffered from the Norman Conquest, but it flourished under the Norman government. If Ministers should have the boldness to take the first step they ought to dare to go further, and a Concordat will perhaps be the only means of safety. . . .”¹

In spite of his full life he was very lonely, and he was anxious to have someone near him on whom he could rely. He therefore persuaded his nephew, Bertram Mitford, a barrister, to obtain a call to the Irish Bar and this arrangement proved a great solace to him. In England the year ended in uncertainty and apprehension. Although the war had been brought to a close it was obvious that another was inevitable, and while the British Government made preparations they turned anxious eyes towards Ireland—“the most vulnerable spot in the British Empire.”

¹ *Diary and Correspondence of Lord Colchester* (op. cit.), I. 406.

CHAPTER III

THE difficulty of provisioning the country in the event of a long and tremendous struggle was fully realized by the British Government, who immediately took steps to cope with it; but their action with regard to Ireland was considered by the Irish Administration to be detrimental to her interests and the year 1803 opened with a serious difference between the Home Secretary (Lord Pelham) and the Viceroy, in which the Chancellor took a prominent part.

The trouble began with a Proclamation, issued in England on the 31st December 1802, prohibiting the export of corn and other provisions for the next three months. It was issued under an Act which only referred to the exports from Great Britain, but another Act authorized the Viceroy and Council of Ireland to issue a similar Proclamation. This boded trouble. The restriction of provisions from Ireland expired on the 1st January and many cargoes for abroad had already been prepared, for there was an abundance of provisions in the country. In normal times Cork was a great victualling port with an immense trade, but the commerce of the south of Ireland was falling off and the provision trade with Spain and Portugal, which had hitherto been carried on by the Cork merchants, was getting into the hands of the Danes: the removal of restrictions was therefore eagerly anticipated.

It was not till the 9th January (1803) that the Viceroy received a curt official letter from the Home Secretary, enclosing a copy of the proclamation and hoping that it

would be strictly enforced in Ireland. The position was embarrassing: Lord Hardwicke consulted Lord Redesdale and both agreed that, if carried out, the action would ultimately create the very evil which the Proclamation was intending to prevent by depriving farmers and breeders of the certainty of a market.

“ ‘The more I consider the subject,’ the Chancellor wrote to the Viceroy, ‘the more I am convinced of the danger of giving to Spain and Portugal the *habit* of supply from other countries and to those countries the *habit* of affording that supply and the employment of capital in that traffic, which, perhaps, would never have been so employed if the prohibition of export from Ireland had not existed’ ”.¹

When the matter was brought before them the Irish Privy Council was surprised and resentful at an order sent to them without any reason or explanation, and their attitude did not escape the notice of the Viceroy and the Chancellor. The Proclamation was issued, but Lord Hardwicke, acting on the advice of Lord Redesdale, informed Lord Pelham that he had postponed the recommencement of restrictions for a week as many cargoes for abroad had been prepared. He explained the situation and suggested that the Irish Administration should be allowed to license the export of certain provisions to Spain and Portugal, an action which would be much appreciated by the merchants and farmers, who feared the trade would not return if it had once been diverted to other countries.

Lord Pelham brought the matter up before the Cabinet, who thought that all parts of the United Kingdom should be treated alike. He informed Lord Hardwicke that he

¹ B.M. Add. MS. 35717, f. 20.

had been told that £600,000 worth of corn had been exported to England from Ireland within the last five months, besides much live stock, and he did not think the farmers would suffer from the enforcement of the restrictions. By the same mail came a letter from Isaac Corry, the Chancellor of the Irish Exchequer, whose duty it was to look after Irish interests in the House of Commons. Corry agreed with the Viceroy and added that Lord Castle-reagh was of the same opinion. The Lord Lieutenant was highly indignant at Lord Pelham's letter and he wrote to Wickham, then in London: "I have so much reliance on the Chancellor's judgment, as well as his quickness and prudence, that I lost no time in communicating to him both letters which I received on Friday. He dined with me that day and I delivered them to him in the evening, requesting his advice and opinion." A few days later the Viceroy referred to the Chancellor's help in a letter to his brother, Charles Yorke:

"The Chancellor (I mean Lord Redesdale) has been upon this, as indeed upon every occasion, extremely friendly and useful; notwithstanding all his business, which he attends every day from ten to four, he has spared no pains in considering and discussing the different points of the question raised by Lord Pelham. The greater part, indeed the whole, except the first paragraph of the official reply to Lord Pelham, dated February 8th, was drawn by him and goes extremely well to all the points to which it is necessary to advert. . . ."¹

The Viceroy forwarded the correspondence to Wickham, still in London. So confidential did he consider the Chancellor's letters and so anxious was he that their

¹ *Ibid.*, 35702, f. 113.

contents should not reach Lord Pelham that he communicated them to no one but Marsden, and even employed Bertram Mitford, Lord Redesdale's nephew, to copy them for transmission to England. By some mistake the packet containing the correspondence was addressed to Lord Pelham, by whom it was opened. He took the letters at once to the Prime Minister, who laughed heartily as he read the Chancellor's trenchant criticisms of the Home Secretary's conduct. Meeting Wickham the same day, Lord Pelham casually remarked that he had received copies of some letters which he presumed had been sent to him by mistake. They were brought to Wickham the following morning and were delivered and received without comment on either side.

Though much vexed by the occurrence, the Viceroy consoled himself by thinking that "Lord Pelham, for whose perusal they certainly were never intended, will have found in them a pretty good lecture upon his own proceedings"; and referring to the subject in a letter to Wickham, he said: "There is nothing in those letters but what arises fairly out of the subject, and the opinions given are expressed in what may be properly called parliamentary language. They go, however, directly to the point of Lord Pelham wishing to assume the Government of Ireland, and to the consequences of such an assumption if not resisted and prevented. I entirely acquiesce in Mr. Addington's opinion of neither expecting nor wishing the discussion should go further between Lord Pelham and myself."

The Viceroy told the Chancellor the story in a letter beginning: "I should not make a proper return to the uniform kindness and confidence which I have experienced from you if I did not take an early opportunity of communicating a circumstance which is so far distressing and

a subject of regret to me as it is connected with your Lordship and arises from that very confidence from which I derive so much support and advantage."

The Chancellor replied asking to be allowed to see the originals, that he might know how far Lord Pelham might feel hurt, remarking: "It seems odd that he should have *read* letters addressed to Mr. Wickham, though delivered to him by mistake." After seeing the correspondence he wrote again regretting the incident, but observing that the letters contained nothing "with which a man of any strength of mind ought to be displeased."

The story of the controversy between Lord Pelham and the Irish Administration in connection with the granting of licences for the export of provisions from Ireland is closed with an extract from a letter from Charles Yorke to his brother, dated the 17th February 1803.

"... It is a satisfaction to know that the Cabinet are now of opinion, as they ought to have been in the first instance, that your Excellency should be empowered to grant licences from time to time in the manner you proposed. I am likewise particularly desired by Addington (with whom I have had two conversations on this subject, the latter yesterday) to assure you in the most precise terms that you may rely with perfect confidence on the zealous support and entire co-operation of all the leading persons in the Cabinet [including himself, Lord Hawkesbury and Lord Castlereagh]; that it is *your* opinion and authority that they look to in the consideration and discussion of *all high* measures . . . he took an opportunity of speaking to the King upon the discussion which had taken place of which H.M. appeared to be apprized and that he expressed himself as being completely satisfied with your conduct ever since you had been in the Govern-

ment and disposed to place the most perfect confidence in the prudence of all your measures. Under these circumstances I think you may remain perfectly tranquil".¹

The spirited action of the Viceroy and the Chancellor in defence of Irish trading interests was so far successful. It is to the credit of both parties that friendly relations with Lord Pelham were resumed, and shortly after this occurrence Lord Redesdale wrote him an amiable letter on the state of the country.

When Lord Redesdale accepted the office of Lord Chancellor of Ireland the English Government expressed a wish that he should come to London, if possible, for a short time during the sitting of Parliament. He was now anxious to return to England, both on account of the serious political situation and also to settle his own affairs, which he had left in a state of confusion, but at Lord Hardwicke's urgent request he delayed his departure. "In so critical a moment as the commencement of a new war, your Lordship's advice and assistance is not only valuable, as it always must be, but essentially necessary," the Viceroy told him. The Chancellor's knowledge was needed on the proper method of calling out and embodying the Militia, according to existing Acts of Parliament. Lord Redesdale considered that a Proclamation was "indispensably necessary" in order to justify the issue of warrants to the governors of counties, for embodying. He drew up a draft and the Proclamation was issued. The Viceroy considered it his duty to inquire whether there was a sufficiency of arms and ammunition in the country. He therefore desired his military secretary to obtain from the respective officers a return of the quantity distributed

¹ *Ibid.*, f. 118.

in the various depots. His action aroused great indignation; he was informed that the matter concerned the military department, and no notice was taken of his request by the officials to whom it was sent. Lord Hardwicke never forgot or forgave this act of discourtesy and it influenced his relations with the military authorities in Ireland during his tenure of office.

With a view to reviving the yeomanry, the Viceroy sent for the Mayor of Dublin and explained to him the need that might arise for calling upon those gentlemen who had already rendered such valuable service to enrol themselves again to assist in maintaining order in the City in case of emergency. The Lord Mayor promised to help by every means in his power, and the following day as many captains of yeomanry as could be collected on so short a notice were summoned to the Castle where, in the presence of Sir William Medows, the Commander of the Forces, they were informed of the immediate danger of war and that their services might be required. They were desired to make a return as soon as possible of the number of their former corps who would be willing to serve again. It was suggested that a corps should be raised in Trinity College, but the wisdom of this step was considered doubtful. Lord Fingall, the head of the Roman Catholic laity, offered his services in any way most needed, and inquired how best "those whom he could influence" could help the Government. When all preparations were well advanced, the Chancellor left for England: his correspondence with the Viceroy at this critical time is interesting.

"Private.

29th March, 1803.

. . . I have had the opportunity of conversing with Mr. Addington and Mr. Wickham on various subjects and I think I can venture to say, from what I have learnt from them, as well as from what I have learnt from others, that there is a general satisfaction with the administration of affairs in Ireland under your Excellency's Government. I am sure the members of administration here have a perfect confidence in your Excellency and I think you would be gratified by hearing what has been said to me by some of them. I believe they are also generally satisfied with the state of Ireland and that they have much less alarm than perhaps your Excellency has. I have found them particularly pleased that you have taught the gentlemen of Ireland, by example of the County of Limerick, that it depends on them whether the peace of Ireland shall be procured by peace officers or by military guards".¹

The following day he wrote:

"Private.

I am happy to say that everything I hear is expressions of great satisfaction with the conduct of Government in Ireland; and this language comes from all parties. I met Mr. Fox at the levee and he expressed to me his satisfaction in strongest terms. . . . The repressing the disturbances at Limerick by the exertion of the civil power has been highly approved and I feel has tended to give much confidence to the Irish Government. I feel much anxiety that the plan adopted by the County of Limerick should be followed throughout Ireland. If the gentlemen can be persuaded to come forward as Magistrates and to associate with the farmers and persons having some property of the lower orders, I think the mere physical force of the

¹ *Ibid.*, 35717, f. 72.

people of the lowest rank, whose aim and inducement to disturbance are plunder, may be effectually kept under unless our neighbours shall lend their assistance. I understand, however, that the French army are generally disposed to take the plunder to themselves and have persuaded themselves that we should fall an easy prey. . . . I cannot presume to suggest the *direct mode* in which this can be done. Partly, perhaps, by conversations with individuals and partly by direct appeal from your Excellency to the leading persons in the several counties. I am persuaded something ought to be done and quickly and should feel great satisfaction if your Excellency's sentiments should concur with mine".¹

Lord Hardwicke replied:

"*Private.*

4th April.

. . . Nothing can be more gratifying to me than the account you give of the satisfaction which has been expressed to your Lordship since your arrival in London by those whose good opinion is important and valuable on the subject of the general administration of affairs in Ireland. With the best intentions on the part of the Government little can be done towards improving the state of the Country and placing its security on a firm basis without the co-operation of the principal gentlemen; but I flatter myself from the good effects which have been produced by their influence and exertions whenever they have been properly directed, there will be less difficulty hereafter in inducing them to act the part which is so strongly called for by their own particular interests, independently of any other motives or principle of action. Your Lordship's support and advice, to which I am personally so much indebted and from which the Govern-

¹ *Ibid.*, f. 76.

ment has derived so much benefit, will contribute most effectually to produce what we are all so desirous to accomplish, a general assimilation of Irish and English practice in the daily and ordinary administration of Justice. . . ."¹

Lord Redesdale wrote again a few days later, delaying his return to Ireland, and Lord Hardwicke, in a letter to Mr. Wickham, expressed his opinion on the value of the Chancellor's help at this juncture.

Though Ireland was at this time to outward appearance in a tranquil condition there was great anxiety, for the winter had passed without the declaration of war and the people were in ignorance regarding the negotiations that were proceeding. Napoleon's attitude was becoming increasingly threatening and insolent and both nations hastened their preparations. In England the dismantled fleet had been refitted, the disbanded battalions re-embodied; in France the ports were buzzing with naval activity and troops were concentrating round the Channel, flushed with victory and eager to invade our shores. The two great nations of Western civilization stood facing each other, longing to engage in mortal combat, each convinced of the righteousness of its cause; every man among them knowing full well that it was to be a fight to the death. And stricken Europe looked on. On the 6th May it was known that the British Ambassador had been ordered to leave Paris and that the French Ambassador had asked for his passports. England's declaration of war on France followed, and the great struggle began which only ended on the field of Waterloo.

¹ *Ibid.*, 35772, f. 132.

CHAPTER IV

WHILE in London Lord Redesdale became engaged to Lady Frances Perceval, daughter of John, second Earl of Egmont, and sister to his friend Spencer Perceval. It was an event which fulfilled his highest hopes and was to be a source of happiness and comfort to him during the stormy days that were ahead and for many years to come; but in spite of his happy domestic prospects the Chancellor left London for Ireland on the following day weighed down with anxiety and apprehension. His country was preparing for the greatest struggle in her history and he knew—none better—that treason was still at work in Ireland; that Irishmen of notoriously disloyal tendencies had lately returned from France; that secret meetings were being held in Dublin; that plots were being hatched by Irishmen abroad to bring about the downfall of Britain; and he had grave doubts of many who professed loyalty to the British Government. He feared that with the renewal of war treasonable risings and plottings would at once take place, and during his visit to London he had urged on Ministers the need of suspending the Habeas Corpus Act in the country, as a precautionary measure, directly war was declared. He even offered to move it himself in the House of Lords, though he hoped the greatly improved relations between the Irish Government and the people would render the exertion of extraordinary powers unnecessary. Had he been successful many of the subsequent troubles and disasters would have been averted. This point is stressed, as it proves that the Irish

Administration was alive to the dangers which were threatening the country and that they were not guilty of deceiving the English Government—an accusation which was brought against them at a later date.

He was by this time thoroughly acquainted with the virtues and failings of the Irish race. Their irresponsibility exasperated a man of his decided character. He regarded them as having great intelligence, but little fundamental knowledge of life; energy, but no perseverance and no discipline; incapable of analytical thought and therefore easily imposed upon; and he knew how intellectually vain were their leaders. The charm and originality of the Irish character did not appeal to him in the least. He did not want charm and originality; all he asked for was common sense, and in this quality he considered the Irish as a nation to be lamentably deficient. He deplored also the gross abuses which dishonoured the civil and judicial administration: his whole soul was set on purifying both, and to this end he directed his statesmanship with great power and skill. He felt that the Irish Government was not getting the support from England which was necessary under the circumstances and that the position of the Viceroy was daily becoming more difficult. In England all interest was centred on the coming conflict with France. No one had time or inclination for the troubles in Ireland—that eternal story—so the Viceroy, backed in every direction by his sturdy henchman, the Chancellor, had to manage as best he could. The English Government angered the Chancellor by their dilatory proceedings and both men complained bitterly of the indifference with which they considered Irish affairs were regarded at home; of the long delays in dealing with important matters that called for immediate attention; and of the lack of courtesy in ignor-

ing urgent letters. Without adequate support from home, English statesmen in Ireland, however upright and well-intentioned, could do little.

Lord Redesdale returned to Dublin to find the Irish Government engaged in a renewal of hostilities with Lord Pelham regarding a Proclamation on the export of corn. The Secretary of State either could not or would not realize that Dublin Castle, though anxious to do everything to help His Majesty's Government, could not take orders from Whitehall. The difficulties that had arisen in March over the same question had taught him nothing. The Viceroy had been patient and tactful. He at once desired Marsden to obtain information from merchants in Dublin connected with the corn trade and the supply in the country; he prepared a memorial, summoned a Council, who interviewed experts and sent a report of the result to Wickham in England. At the same time he complained to Wickham of "Lord Pelham's unaccountable and stupid perseverance in the absurdity of desiring me to enforce an order issued under an Act of Parliament which was professedly not intended to apply to Ireland."

The position in which the Lord Lieutenant was placed exasperated the Chancellor, who considered that sufficient forbearance had been shown to Lord Pelham, and he wrote a trenchant letter on the subject to Lord Hardwicke.

"Ely Place,
18th May, 1803.

Private and Confidential.

My dear Lord,

Mr. Marsden has shewn me the Orders in Council and Lord Pelham's Letters. I am persuaded your Excellency *must* make a stand; and it seems to me that in the present

case you may properly tell Lord Pelham that you find yourself under the disagreeable necessity of remonstrating with him on his neglect to pay any attention to your former letters and persisting in a line of conduct highly embarrassing, without condescending to explain to you the grounds upon which he thinks himself warranted so to act. That you must presume it is His Majesty's pleasure that you should endeavour to prevent the exportation from Ireland of the articles mentioned in the Orders in Council. But that you cannot obey the orders conveyed by his Lordship's letters, as the Orders in Council do not apply to Ireland, and are not warranted by any law in force in Ireland. That so far as you may think fit to endeavour to carry the same thing into effect in Ireland without warrant of law, you must expect a parliamentary indemnity, as the only indemnity you can have; and if your Excellency should think fit, your Excellency may add that having consulted me on the propriety of issuing a proclamation in conformity to the two orders in Council transmitted to you, I had signified that I would not consider myself as warranted by law in putting the seal to such a proclamation; and that the orders made in England, having issued under the authority of an Act of Parliament, I had expressed a doubt whether His Majesty, at the time that he directed an order, lawful in England to be enforced in Ireland, meant that it should be so enforced if contrary to law there. I shall be very ready to convey to England any message which your Excellency may think fit to entrust me with on this subject and to express in the strongest terms to His Majesty's Ministers that I can conceive your Excellency is not treated by Lord Pelham, either with the respect due to your situation, or with the candour which the King's Secretary of State ought to use in his correspondence with the person to whom the Government of Ireland, or any part of His Majesty's

dominions, may be entrusted. I am so thoroughly persuaded that every succeeding yielding on your part tends to involve you in greater difficulties that, for your own sake I think myself bound to entreat you to require a full and clear explanation, and if I might presume to advise your Excellency under such circumstances, I should advise you explicitly to declare that if the affairs of this Country are to be conducted with the same want of explicitness, candour and attention in future, you cannot effectively serve His Majesty, and must desire that it may be fully understood that you cannot consider orders conveyed in the language and with the want of explicitness which has marked those which you have just received, as fit and decorous communications of His Majesty's pleasure.

Your Excellency may probably think that I feel too warmly for you on this subject, but I can assure you that my experience leads me to be persuaded that by taking up the matter strongly you will compel the other party to yield".¹

Lord Hardwicke took the Chancellor's advice and wrote a letter, couched in strong terms, to the Secretary of State. He enclosed it in a letter to Wickham, but the latter was requested by the Prime Minister not to deliver it.

On the 6th June Lord Redesdale was married at St. George's, Hanover Square, by his old friend Bishop Barrington, and on the 13th he was back again in Dublin. Henceforth the social element entered more largely into his life, and his wife, though never strong, took her share in the many activities about her and entertained largely, both at her town house and at Ardrin, their country residence. She filled a difficult position with much tact

¹ *Ibid.*, 35717, f. 94.

and courtesy, and the Chancellor's constant references to her in his letters prove how much he relied upon her affection and sympathy.

Society in Dublin in the early days of the nineteenth century differed greatly from the English life of the time, and ladies from England had to readjust many of their ideas and habits before they became reconciled to local customs. The Government officials and their families were English and regarded the inhabitants with dislike, not unmixed with contempt, which was intensified by the obsequious attitude adopted by the people to the Castle authorities. In the tragic days of the French revolution the inhabitants of Belfast had paraded the streets carrying portraits of Mirabeau and congratulations were sent to the National Assembly. During the war the Irish had plotted and intrigued with England's enemies and had celebrated every great disaster which befell her with rejoicings and illuminations. This conduct, culminating in the rebellion of 1798, had made the very name of Ireland, both north and south, odious to the English of all classes. Disagreements between English and Irish officials, fights between the military and the people, quarrels between the families of the inhabitants and those reluctantly compelled to live in the country, were ceaseless. The social life of Dublin centred in the Castle and the Viceregal Lodge, and in spite of intense racial animosity the Lord Lieutenant and his circle were objects of absorbing interest to every man, woman and child in the place. Crowds gathered if his carriage stopped, and whenever he appeared in public, gracious and dignified, followed by haughty and disdainful aides-de-camp, enraptured Dublin hastened to pay him homage. The leaders of society were mostly drawn from the upper middle-class, and to receive

invitations to the dinners, dances, courts and other entertainments given at the Castle was the crowning ambition of their lives, for which they plotted, schemed and frantically struggled. There were many beautiful houses in Dublin, inhabited for the most part by wealthy merchants and the higher Government officials or owned by the Irish nobility, who occasionally stayed in them: the suburbs, also, contained fine places in well-wooded grounds, within an easy drive of the city, where hard-worked men could get the peace and fresh air impossible to enjoy in smelly Dublin. They entertained each other with great dignity and hospitality, but their circle was circumscribed and they were not anxious to extend it.

The upper classes, who passed dreary days in their remote country houses, flocked into the capital for the winter season and lived there far beyond their means. If hostesses could beguile the officers and castle officials to their parties in stuffy little houses, where the guests danced on dusty, moth-eaten carpets, boundless were their joy and gratitude. As no Irish servant would dream of demeaning herself by cleaning the steps of the houses, dirt and decay were everywhere. Local newspapers were always calling attention to the disgraceful condition of the town. "Dublin's filthy, tattered appearance renders her unfit to be seen," was a criticism which appeared in the *Dublin Evening Post* during Lord Redesdale's tenure of office. English ladies were driven to despair in their efforts to keep the peace between the trim, competent maids they imported from their own land and the ragged slatterns who did duty for servants in Dublin. One haughty English cook was heard to observe that she had often wondered what the London charwomen did with their cast-off clothes; "*Now I know*," she concluded darkly.

The gentry were too poor to leave their own country, and, as they had no means of comparing it with other lands, they were ignorantly and pathetically proud of their dirty capital and fiercely resented any criticism or well-meant efforts to improve its condition. They were obsessed with a sense of their own dignity and importance and the superiority of their country over all others. Their attitude profoundly exasperated the English, who rarely shared their enthusiasm. Lord Clare—never blind and rarely even tolerant to the faults of his countrymen—exclaimed on one occasion in a speech delivered in the Irish House of Lords: “When I look at the squalid misery, profound ignorance, barbarous manners and brutal ferocity of the mass of the Irish people, I am sickened with this rant of Irish dignity and independence.”

King George’s birthday and the anniversaries of the battle of the Boyne and the landing of William of Orange were landmarks in the life of the town. Their political significance led to many riots and quarrels and tended to foster ill-feeling between the loyalists and their opponents, which increased the tension always existing. The anniversary of the battle of the Boyne was dedicated to celebrating the victory of William, revered by some as the Great Deliverer, reviled by others as a Dutch Adventurer. His statue, since destroyed, was lavishly decorated and loyal societies paraded round College Green. This commemoration was a source of great annoyance to citizens who still deplored the defeat of James on that eventful July day in 1690, and it seldom passed off without serious conflicts between the military and the crowd that had collected to view “the splendid elegance of the scene.” King William was further honoured by ceremonies to commemorate his landing at Torbay in November

1688. After a levee the Viceroy, the Lord Chancellor, the Mayor, the Recorder, sheriffs and other notabilities drove in state down Dame Street, through College Green, Nassau Street, Stephen's Green and returned to the Castle, past the statue of the King, which was painted orange and white, his shoulders covered by an old silk mantle and his head crowned with an orange wreath, in honour of the occasion. The carriages were ornamented with orange ribands, and Lord Redesdale's coach drawn by six beautiful horses was generally considered to be the most magnificent in the procession. It was gorgeously decorated with festoons, tassels and cockades of orange ribands which harmonized well with his livery of orange and blue. It is easy to imagine the half humorous indulgence with which the Chancellor would have regarded all this tawdry pomp and display. Before the procession started a large body of scavengers was employed in cleaning the streets through which it was to pass. This was a necessary performance, as they had not been attended to since the previous anniversary and were, by common consent, in a filthy condition.

Duelling was a favourite pastime and the duelling clubs active in various parts of the country were distinguished by the special weapons used by the members. Tipperary adopted the pistol, Galway the sword. All gentlemen possessed pistol-cases in which were kept the rules to be observed in a duel: these rules were not published, but were sent round in handwriting to the different clubs. Long duelling-swords with silver hilts were treasured heirlooms in many families. Excitable Hibernians easily imagined themselves or their ladies insulted by the most trivial incidents, and the challenge, "Draw, Sir!" was shouted on the smallest provocation. Men in high positions did not

think it beneath their dignity to fight each other or anybody else who offended them. The Lord Chancellor (Clare), the Lord Chief Justice, the Master of the Rolls, the Chancellor of the Exchequer, the Judge of the County of Dublin, and many others all engaged in "affairs of honour." As for the Provost of Trinity College, he appeared eager to fight anybody who would fight him. The duels between the students of Trinity, in which some were killed and others maimed for life, were a frequent occurrence. Shooting at marks was a favourite pastime in the College park, and the art of fencing was taught by a master engaged by the Provost, though the use of the sword was forbidden by the College statutes. Differences of religion were a potent cause. A Privy Councillor fought a distiller merely because he was a "Papist," and a King's Counsel contended with the secretary of a Roman Catholic society for the same reason. Even the Viceroy's secretaries occasionally became embroiled. Phoenix Park was a favourite spot for these combats and many people were killed or seriously wounded during the year. The lower classes followed the example of their "betters" in this respect: street fights were incessant by day and night, when passing barristers, merchants, shopkeepers, students at Trinity College, even the Fellows, all rushed rapturously into the fray, rendering streets, quays and bridges impassable to the peaceful citizens. The students of Trinity College were always in the thick of every tumult. They were much addicted to playing practical jokes on the city, such as putting gunpowder squibs in all the street lamps, timed to explode simultaneously, thereby smashing the lamps, leaving the streets and roads in darkness and terrifying the people. Their superiors were generally fighting their own battles and could spare little time to

keep them in order. Heavy drinking was universal. In "polite society" it was considered an insult to the company if a guest departed while he could stand; when unable to accomplish this feat, he was allowed to depart "if he could walk." The taverns, ale houses, bars, booths and whisky stalls could have been counted by the score: in one street every third house sold liquor to the public.

The playhouses were very popular and were always crowded. The stage was lighted by tallow candles set in tin receptacles hanging from the centre; they were snuffed from time to time, as the play progressed. On either side of the stage near the boxes stood two soldiers with fixed bayonets to keep order. This was necessary, as the audience often got out of hand. Trinity College students were fond of arriving in a body, bent on avenging some real or imaginary wrong. They would stop the play and smash everything within reach, while the ladies fled from the boxes and there was a general stampede.

Concerts, lectures and meetings played an important part in the life of the town, and favourite preachers advocating popular causes drew large crowds. Among the most popular in Lord Redesdale's time was Dean Kirwan, an ex-Roman Catholic priest, whose oratory drew such a concourse that the military were employed to keep order. Ladies were carried out of church fainting and the men's coats were torn off their backs in the struggle to get seats. The noise and confusion lasted till he ascended the pulpit. His rendering of the Lord's Prayer was renowned throughout the city. "Never before or since did mortal man produce such wonderful effect." On ordinary occasions, however, an anti-climax generally occurred at the close of a charity sermon, when a race took place between the congregation, anxious to escape without contributing to

the collection, and the gentlemen—selected as a great honour—armed with offertory plates, who frantically tried to intercept their departure. Funerals were a great diversion. A corpse was followed to the grave by a motley crowd, many of whom had hardly claimed a bowing acquaintance with the deceased during life, seated in dilapidated conveyances. Mourners, horses and carriages were lavishly adorned with all the panoply of woe.

Lord Redesdale was anxious that his wife should acquit herself well in her new and strange surroundings, and two days after their return he wrote to Mr. Marsden: “Lady Redesdale and I will take a *quiet* dinner with you and Mrs. Marsden on Friday. By quiet, I mean a dinner without *form* or *bustle*. . . . I wish her to see *some of the natives* before she is involved in the *great bustle*.”

CHAPTER V

THE insurrection which later came to be known as the Emmet Rebellion took place a few weeks after Lord Redesdale returned to Dublin and it left its sinister mark on the rest of his official life in Ireland. It directly affected his attitude towards the Irish people by stiffening his opposition to many conditions which, much as he disliked them, he had previously been disposed to regard with charity and even with indulgence. This change raised him up many enemies who were ready and anxious to blacken the character of any English official holding high office in the country, and who stopped at no intrigue to increase the difficulties of his position and, if possible, to render it intolerable. Most of the subsequent troubles can be traced to this disastrous occurrence.

The Irish Government were well aware that trouble was brewing. Information had been received and sworn to on the 10th July, that an insurrection was to take place directly the French landed. In Dublin the arms and ammunition belonging to the yeomen were to be instantly seized. Six men were appointed to surround each yeoman's house on the night of the rising and intelligence was to be conveyed from townland to townland by people regularly appointed for the work. All loyalists, both men and women, were to be put to death and it was the intention to proclaim one religion and Buonaparte Protector. An explosion in Patrick Street, caused by the ignition of a quantity of loose gunpowder, with which two men were making fuses, increased the Lord Lieutenant's

suspicious, and two days before the insurrection broke out he wrote to the Prime Minister warning him that agitators were at work in Dublin and that, from information received, there was reason to fear a rising both in Dublin and the north, and he gave the Prime Minister details of the recent explosion in Patrick Street. The military authorities, however, did not take so serious a view of the situation. General Fox, brother of Charles Fox, had recently succeeded Sir William Medows as Commander in Chief of the Forces in Ireland. On the morning of the rising his military secretary wrote the following note in pencil to Marsden:

“My dear Marsden,

I understand Naas was almost abandoned yesterday and that to-day the *Loyalists* are *flocking* into it for protection. I almost persuade myself that all the present alarm will be found to have originated in the first instance in the fears entertained by the People of the operation of the Army of Reserve Act, and afterwards in the fears of the loyal and higher classes resulting from seeing the former abandon their dwellings. That the poor people have been misled by mischief makers, I doubt not, and perhaps the very bodies now marching on the canal *are people flying to Town for Protection*, for as to any serious attack on Dublin it must be laughed at and despised. Pray, do your Yeomanry mean to patrol to-night? It is necessary we should know, that we may not jostle against them in the dark and mistake them.

Yours truly and in the
Day of Mischief
gaily

F. A. BECKWITH”.¹

¹ Public Record Office, H.O.100/115.

Marsden did not share Colonel Beckwith's happy-go-lucky view of the situation. Various warnings he had received during the morning had made him profoundly anxious, and he sent a message to the Viceregal Lodge urging the Lord Lieutenant to come to the Castle. Lord Hardwicke arrived at a quarter past three, accompanied by General Fox. They were informed of the position, as well as the fact that men had been flocking into Dublin during the morning. It was Saturday and market day, when the city was thronged with farmers and peasants offering their produce for sale and in the evening crowds paraded the streets, bent on pleasure and mischief. The General's attention was directed to several points that required immediate consideration, and neither the Viceroy nor the Under-Secretary doubted that he would at once set about taking the necessary precautions. They knew that the garrison numbered between three and four thousand and was quite sufficient to deal with any situation that might arise. Lord Hardwicke returned to Phoenix Park, where the guard had been increased, between five and six, and Marsden remained in the Castle for the night.

As the evening wore on men crowded into the taverns near the Library, and the Mansion House was broken into in the absence of the Lord Mayor and arms stolen from the hall. The Manager of the Bank of Ireland sent an urgent message begging for protection, and magistrates and captains of yeomanry came to the Castle to know what they were to do. By ten o'clock the insurgents had increased in number, and it was seen they were armed with pikes, were quite undisciplined and wildly bent on mischief.

Notice of the rising had been conveyed to Lord Kilwarden, who at once proceeded to Dublin from his house

in the suburbs, accompanied by his daughter and nephew. Ignorant of all details, they drove into a crowd of drunken rioters, the original rebels having been joined by the scum from the city. As the carriage approached, they surged round it, eager to see the occupants. Lord Kilwarden was recognized at once and with yells of "the Lord Chief Justice" he and his nephew were dragged out and butchered with pikes. His daughter was allowed to escape and she fled to the Castle. Lieutenant Colonel Browne of the 21st Regiment was also assassinated as he was passing the end of the street, and others were killed or wounded. Meanwhile a small party of the military had arrived on the scene and were soon reinforced by a strong detachment, under the command of Major Swan. The dead and the wounded were removed, many prisoners were taken and order was restored. The military and yeomen patrolled the rest of the night and a large depot of arms was discovered.

Major Swan went at once to the Watch House where Lord Kilwarden had been carried. He found the Chief Justice lying on the guard bed, with over thirty wounds. He was dying, but was quite conscious and was inquiring anxiously after the fate of his daughter. Intense indignation was expressed by the officers surrounding him, and on one of them remarking that any man taken with a pike ought to be put to death at once, he turned to Major Swan and said earnestly: "Let no man be hanged without being brought to trial by the laws of his country." It was feared that the Lord Chancellor would hear of the rebellion and in coming into Town would share the fate of Lord Kilwarden. As his presence was urgently needed, a strong detachment of the Lawyers' Corps was sent to bring him back. The household at Ardrin was alarmed

at four o'clock in the morning by the arrival of troops and the shouts of the men. The Chancellor returned with them at once to find the city in a ferment; wild and exaggerated rumours were flying about and blame was being freely distributed. The Castle officials themselves were as yet ignorant of details, though it was obvious that, in spite of the Viceroy's urgent representations to General Fox, effective precautions had not been taken in time.

Early on Sunday morning Lord Hardwicke arrived at the Castle to consult the Chancellor. A meeting of the Privy Council was called and sat till a late hour at night. A Proclamation was issued, offering a reward of a thousand pounds for the murderers of Lord Kilwarden and his nephew, and there was much discussion on the advisability of proclaiming martial law throughout the country. The Viceroy and the Chancellor, supported by the Attorney-General and the Archbishop of Dublin, were averse to strong measures and they persuaded the Council to postpone a decision till the following day, when more definite information might be forthcoming. Lord Redesdale pointed out the absence of proof that a treasonable conspiracy existed in the country, the alarm severe measures would create in England and the inconvenience of suspending the circuit. The Lord Mayor and Magistrates also met and drew up and distributed a notice reinforcing the Insurrection Act, which made it penal for any citizen not on military duty to be out after eight o'clock in the evening. During the day over a hundred prisoners were taken and an active search was carried out through the city, when it was discovered that the principal depot of arms was in Bridgefoot Street. The military found two magazines, a large quantity of pikes, machines for making gunpowder, materials for tents, wooden boxes, ten feet

long, containing places for powder, which, it was afterwards discovered, were intended to be placed across the streets to explode as troops passed over them—bullets, powder, green pantaloons, a green laced regimental coat, a couple of helmets and ostrich plumes, besides plans of encampment and disposition of the King's troops and a proclamation, ready for circulation, which proved beyond doubt that the insurrection had been meditated for some time.¹ Early in the afternoon the bodies of Lord Kilwarden and his nephew were removed to Lord Northland's house in Dawson Street, escorted by a detachment of the 21st regiment and accompanied by a long procession of mourners. The remains of the Lord Chief Justice were buried two days later.

At a meeting held on Monday the Privy Council decided on a Proclamation commanding the troops to disarm rebels by force, which, the Chancellor considered, went as far as the law allowed. Confusion existed on the question of martial law: the Government was being blamed for not proclaiming it, but though the Viceroy was determined to put down rebellion by every constitutional means, he refused to exercise a power which was not warranted by law. The Chancellor was of opinion that a revival of the Martial Law Act was necessary, for he was convinced of the need of more summary trials than the ordinary administration of the law allowed and he also knew that in many cases juries would be afraid to convict. The Irish Government had long urged that directly war with France was proclaimed they ought to be given the power to arrest suspected persons, as the only means of avoiding or putting down treason in a country known to sympathize strongly with the enemy, but without the suspension of the

¹ B.M. Add. MS. 35702, f. 258.

Habeas Corpus Act they were helpless. For three months before the outbreak Marsden in Dublin had been begging Wickham in London to use every endeavour to strengthen the Viceroy's position by urging the Government to grant this request; but as he received no answer to his letters on the subject he concluded that the Chief Secretary had, like the Chancellor, failed in his attempts to convince the Cabinet of the need for the measure. Writing to Lord Bulkeley some months after the catastrophe Lord Hardwicke bitterly remarked:

"Had the representations which were made from hence after the King's message and the prospect of war been attended to, and which were conveyed, not only by letter, but by direct communication from Lord Redesdale when he was in London in April last (who not only stated the necessity of suspending the Habeas Corpus Act for Ireland, but offered to move it on grounds which could not have been resisted) no insurrection could possibly have happened, for most of the principal persons concerned in it, including Emmet, were noted in a private list in order to be apprehended on the first alarm, whenever it was possible to detain them. We have intelligence, more or less to be depended on, from Belfast and other places for some time before the explosion in [Patrick Street] of mischief being intended, both in Dublin and the North".¹

Nothing daunted, the Chancellor returned again to the charge, this time with added strength from the recent occurrence. He wrote to the Prime Minister:

"July 25th.

I hope the strong measures pursued will suppress this beginning of rebellion. That it is a *beginning* only, I cannot

¹ *Ibid.*, 35745, f. 266.

doubt. I believe all the actors have been puppets, worked by persons behind the scenes: and for this reason, if for no other, you must immediately arm us by the suspension of the Habeas Corpus. . . . But you must do more. You must renew the martial law, or pass some other bill to enable the military to act with greater promptitude, *if the Lord Lieutenant should see fit*. We have done all we can venture to do, but armed rebellion must be met by arms. It is as important to destroy the influence of the terror of the rebels over the minds of those inclined to their cause as to subdue them in the field. Free quarters are what I can never approve. Courts martial are dreadful things and raise discontent in many minds, but people would rather live under a military government than under no government and if they cannot be protected by government, they might as well live under no government. . . . Whilst the rebel directory is absolute and on the spot, the King's Government is restricted and under the guidance of a distant power, necessarily ignorant of everything which can guide *instant* decision. This state of things gives wonderful force to those who are adverse to the Union, and I am sorry to say there are too many who are so. I hope for the best, but as the event may deceive my hopes, I must be prepared for the worst".¹

The excitement which the insurrection caused throughout the country was out of all proportion to its importance, for the people shared the Chancellor's suspicions that it was only part of a widespread conspiracy. The day after the rising, Dr. Troy, Roman Catholic Archbishop of Dublin, addressed an exhortation to all the clergy of his Archdiocese with instructions that it was to be read in the respective chapels, or otherwise communicated to the

¹ G. Pellew, *Life and Correspondence of Addington* (1847), II. 209.

people during the ensuing fortnight. After expressing his horror and surprise at the rising, he reminded the people of his frequent exhortations to a loyal and peaceable demeanour and of his repeated instructions on the religious obligation of allegiance to the King and obedience to the laws. He pointed out that conciliation had been the prominent feature of the Viceroy's mild administration, who merited gratitude and affection instead of an outrageous contempt of his authority and of the laws. Dr. Troy ascribed the scenes of the previous night to the infidel and seditious publications of modern French writers, who, under the promises of undefined equality and liberty to be licentious, imposed on the ignorant and the credulous. He pointed out to the people that their persons, property and the free exercise of their religion were protected by the laws and adjured them to avoid all associations or meetings which tended to weaken their allegiance to the King, for rebellious practices, if successful, would ruin the country.¹

Neither the Viceroy nor the Chancellor believed in the sincerity of this exhortation, for they both suspected the Roman Catholics of being at the root of the trouble. They thought it showed signs of having been well thought out and prepared in advance, and they were convinced that Troy knew of the conspiracy beforehand. It must be remembered that at this time important facts relating to the rebellion were unknown. The evidence, when it came out, all pointed the other way. The leader of the insurrection, who had so far escaped detection, was a Protestant, who would have been the last to have confided his plans to any Roman Catholic priest. It was known later that he took no one into his confidence, and

¹ *Dublin Evening News*, 28 July, 1803.

the rebels, including his close associates, had no idea what was expected of them till the day of the rising, when they were ordered to arm and go forth. There is no doubt that the priests, with many others, suspected that there existed a tendency to rebellion, for Marsden said that on the morning of the rising he had been warned by a Roman Catholic priest that "a person whom he did not name had communicated to him intelligence of an intended rising;" but I can find nothing to prove that Archbishop Troy had more knowledge, or even that he had as much, as the Irish Government. After having refused the help that had been so urgently asked for, the English Government at last awoke to the danger of the situation and appeared anxious to do whatever lay in their power to strengthen the hands of the Irish Administration. Lord Hardwicke had sent the Irish Privy Council's first Proclamation to the Prime Minister with a detailed account of events.

King, Lords and Commons now realized the danger, and Bills for reviving the Martial Law Act and for suspending the Habeas Corpus Act in Ireland were passed at once by both Houses without opposition, except insinuations from Windham—always glad of an excuse to censure the Irish Government. He was ably answered by Lord Hawkesbury and Lord Castlereagh. During the debate on the Suspension of the Habeas Corpus Act the Chancellor of the Exchequer remarked that: "Of Lord Redesdale he would say nothing as there could be but one opinion as to his merit; he would only observe that Lord Hardwicke, having the advice of that distinguished lawyer, afforded an additional proof that in such hands the great powers he proposed to give must be safe."

Lord Redesdale had sent letters, couched in very strong language, to the British Government, criticizing their

conduct with characteristic candour, and the following letter, written to the Viceroy, a week after the riot, gives an account of his views and efforts:

“31st July, 1803.

I return your Excellency the letter of Lord Pelham and am extremely obliged to your Excellency for the perusal of it. It is one of the many proofs that writing to Lord Pelham is, as I have told Mr. Addington, writing to the winds. I wrote a very long letter to Mr. Addington, giving him all my view of the present state of the country, and communicating with the utmost freedom, which I thought necessity required, both on the state of things here and the difficulties brought upon us by the neglect in England of the representations made on this side of the water. I have told him, in direct terms, that such neglect must tend to make the Union in a degree unpopular with thinking men; that they would reflect that, if they had their own legislature, the act called the habeas corpus suspension act, and the martial law bill would have passed, about which Ministers in England had not thought fit, even to write, though the former had been pressed upon them so long ago as when I was in London. . . . I told him that unless ministers would put more confidence in the representatives of the government here and rely less on the tattle of those with whom they might converse in England, they would render themselves as ridiculous in the government of this country as they ordinarily had been in foreign politics, listening to the tattle of weak, interested or uninformed individuals instead of attending to their accredited ministers at foreign courts who had greater means of information, ought to be men of superior talents, must be supposed to have studied the subject, made themselves acquainted with men they had to deal with and formed a regular plan of conduct, of which

every despatch ought to preserve the thread and form a part. I have also represented to him, in the strongest terms, what would have been the situation of this country in the present crisis, if, like Scotland, it had neither Lord Lieutenant nor Council. I have asked him; could the measures now taken for the safety of the country, defective as they are, have been taken; and would not probably the Capital have been before this time in the hands of the rebels?

I thought it advantageous to your Excellency's government that I should speak thus freely to the only Minister, except the Chancellor, who I thought would give attention to such representations. To the Chancellor, as well as to the Attorney General [Perceval] I have written very freely on the suspension of the habeas corpus act, and the Martial Law bill. I shall press, in the strongest terms, its reenactment and I have written to the Attorney General here on the subject of the last.

I am sorry to find that Her Excellency has not appeared in publick since last Sunday morning. I confess I think this attended with inconvenience and am inclined to press your Excellency to desire her, if well, to go to church to-day. If Her Excellency should not be well enough to go herself, I think it would be useful that some of the ladies should go. I have made a point for the last 3 days of going every day to Kilmacud and overlooking my workmen, and if the rain should not prevent, Lady Redesdale and Mrs. Reveley will take an airing there after church. I had almost an inclination to propose that Lady Margaret and Lady Ann should take places in their carriage to get a little fresh air. We men shall ride".¹

¹ B.M., Add. MS. 35717, f. 110.

CHAPTER VI

THE incidental murder of Lord Kilwarden gave the insurrection an importance it would never otherwise have assumed and it made an excuse for attacks upon the Administration which appear to have been wholly undeserved. The Opposition were loud in their criticisms, and accusations of ignorance and neglect were freely made. Charles Fox, anxious to clear his brother's name, used his influence with great energy and effect. The Viceroy answered the charges in letters to his brother.

“Except of the quantity of concealed arms we never were ignorant and there is reason to believe that the Leaders themselves only determined upon so early an insurrection after the gunpowder explosion had in some degree discovered that preparations were making. The only thing to be regretted is that our troops did not march down from the barracks at an earlier hour”.¹

And in another letter to Yorke, written a few days later, he explains that if a general search had been made for arms and suspected persons after the explosion, as the Government was blamed for not doing, it would at first have been necessary to proclaim the city in a state of disturbance, in order to take advantage of the Insurrection Act, and any persons arrested would have had to have been set free in twenty-four hours. Lord Hardwicke had also been censured for omitting to send for the Chancellor and the Lord Mayor to attend the conference at the Castle on the

¹ *Ibid.*, 35702, f. 274.

afternoon of the rising. He refers to this charge some weeks later when he explained the position to his brother:

"I conceived the whole business as of an executive and not of a deliberative nature and though *I have always been in the habit of the most confidential communication with the Chancellor upon all subjects*, I should not have thought it necessary to have sent for him to meet General Fox, except either by way of consulting him or with a view to his personal safety".¹

At the time of the riot there was no ammunition in the Castle except a cask of pistol cartridges, which, it was afterwards explained, had been left there by mistake.² This fact caused great surprise and the Irish Government was freely blamed. The public were unaware that the Ordnance had removed all the ammunition without the knowledge of the authorities, who were under the impression that the Castle was well supplied. The previous refusal of the Ordnance Department to answer questions asked by the Viceroy regarding the quantity of arms in the different depots prevented him from again exposing himself to a similar rebuff. In an undated letter to his brother-in-law and great friend, Spencer Perceval, Lord Redesdale indignantly denied the charges brought against the Irish Government.

"It is utterly untrue that the Government were surprised on the 23rd of July. Early on that day the civil government were fully on its guard, the intended attack on the Lodge was known, and a large additional guard sent to prevent it, which was effectual for the purpose. It is utterly false that forty, fifty or five hundred rebels could have seized the person of the Lord Lieutenant unless the

¹ *Ibid.*, 35704, f. 124.

² *Ibid.*, 35703, f. 38.

force placed to guard his person had neglected their duty. The arrival of a number of persons from the country was known and disturbance expected. The force to resist them, I believe, was three or four times as numerous as that of the rebels and might have crushed them in an instant. Sir Charles Asgill, who had the command of Dublin under General Fox, had full notice of the intended attack and was at the Castle to enable him to discharge the duty when required by the civil government. Information was sent to General Fox, he saw Mr. Marsden and although he did not appear to feel so much alarm as Marsden did, yet he gave no reason to think that he did not apprehend danger. He returned, however, to Kilmainham, which if you look at the map, and consider the passage from Kilmainham to the Castle was through the worst part of Dublin, through that part where all the disturbance happened, you will scarcely think wise. The tumult rising, information was sent to him, and at half-past eight he sent for Sir Charles Asgill, General Dunn and Colonel Vasall, the three principal officers of the garrison, to attend him at Kilmainham at a quarter past nine. They went to him at the hazard of their lives, being repeatedly shot at as they passed. They were ordered to go to the Royal Barracks and wait for the General. The General did not come. Message after message went from Marsden to the barracks. The officers thought they must wait for the General. Thus time was lost, and Lord Kilwarden, unfortunately passing along the very streets which lead from Kilmainham to the Castle, was met by a small body of rebels, not two hundred in number, armed principally with pikes, and was killed. Even then had the force at Kilmainham and at the barracks been detached to intercept them, all the rebels must have fallen, but there was still delay, the troops at the James Street barracks, a small body, dispersed them and killed about a hundred. The rest fled. I do not believe any of the volunteers fired

a shot. The Liberty Rangers were not engaged, though two of their body were killed going to join their corps. Thus all the surprise consisted in the surprise of my poor friend, Lord Kilwarden, who fell, however, I believe, a sacrifice to the obstinacy or stupidity of his postillion, who either did not hear or could not or would not understand those who attempted to warn him out of danger, time enough to have turned his carriage, or at least to have driven it into the yard of a considerable court-house, which the people to whom it belonged had purposed themselves to defend and which the rebels could not easily have forced".¹

The accusations of neglect in the discharge of duty, so loudly expressed by the Opposition, deeply wounded the Viceroy and exasperated the Chancellor and the Privy Council, who all considered they were blameless in the matter. The following letter from Charles Yorke to his brother therefore gave great satisfaction:

"House of Commons,
August 4th.

Private.

My dear Lord,

Addington desires me to tell you that yesterday in the Closet the King said to him 'that he was perfectly satisfied that there had been no remissness whatever on the part of the Irish Government and that he was much displeased at the reports that had been propagated on the subject.' I am also desired to mention that the King said this of his own accord without having been led to the subject by Addington.

God bless you.

Ever Yours
C. Y."²

¹ Sir Spencer Walpole, *Life of Perceval* (1874), I. 113.

² B.M., Add. MS. 35712, f. 287.

In spite of this letter, Addington wrote to the Lord Lieutenant on the 23rd August blaming the lesser Government officials for the riot. Lord Hardwicke at once desired the Chancellor, the Attorney-General and the Chief Secretary to undertake an inquiry into the whole occurrence and directly it was completed he forwarded it to the English Government. On the 12th September Charles Yorke, who had succeeded Pelham as Home Secretary, wrote him the following confidential statement with regard to it.

"... I have now the satisfaction of being able to inform your Excellency that the account which you have transmitted of the state of Intelligence possessed by your Excellency's Government respecting the plans and designs of the rebels previous to the wicked and malignant insurrection on the 23rd of July, as well as the principal circumstances which had attended the atrocious transaction, is considered as affording a complete and satisfactory answer to all the insinuations which have been thrown out against the activity, the diligence and the information of your Excellency's Civil Government; and further, His Majesty has been graciously pleased to command me to acquaint your Excellency that he is satisfied that no blame whatever is imputable to it upon that unhappy occasion. . . ."¹

The Viceroy sent this letter on to the Chancellor, who replied:

(From a copy.)

My dear Lord,

"Ely Place,
22nd Sept. 1803.

I return your Lordship the letter from Mr. Secretary Yorke with which you have honoured me and am highly

¹ *Ibid.*, 35703, f. 120.

pleased with the contents. I hope His Majesty's Ministers will soon feel that the Government of Ireland has been neither inattentive nor incompetent; and that whatever may have happened to induce them to form a different opinion, arose from the inattention and incompetency of the persons who had those situations in England which most importantly concerned the Government of Ireland.

I much lament the slow progress in raising the Army of Reserve in Ireland. I think it probable from what I have heard that H.R.H. the Commander in Chief will be told in pretty plain terms that it is owing to his assuming the whole Patronage and disregarding all Irish recommendations, which I believe is in a great measure the cause. I am persuaded that if H.R.H. had listened to your Excellency's recommendations a very large proportion would have been raised. I think I can perceive discontent gathering on this ground".¹

He continued with an earnest request that provision should be made for Lord Kilwarden's family and suggested that the Prime Minister should consult some of the Irish members on the subject.

It was believed in Ireland that the French had instigated and organized the insurrection, which was to be followed immediately by an invasion, and general preparations were made to cope with an unknown but terrifying danger. While civil and religious bodies sent loyal addresses to the King and Viceroy, the Irish Government took drastic precautions on an extensive scale. The Privy Council, sitting in daily conclave, issued proclamation after proclamation. The Habeas Corpus Act was suspended; no one was allowed to leave the country without a passport, and all masters and commanders of ships were forbidden

¹ *Ibid.*, 35704, f. 5.

to take passengers on board without first ascertaining whether they had leave to sail. Orders were issued dividing the city and suburbs into fifty districts, twenty-four on the north and twenty-six on the south side of the Liffey, each district to be under the charge of a committee of citizens whose loyalty was beyond doubt and who were to be responsible for order in their respective localities.¹ A register of every house in the district was to be kept with all details regarding the inhabitants. Immediate notice was to be given to the Government if an unusual number of strangers arrived, and they were to be detained until they had given a satisfactory account of themselves. The bankers and merchants were requested to meet at the Royal Exchange to organize relief for those who were to defend the country from treason within and invasion without. The chief cities, including Belfast and Cork, had already started subscriptions for the families of the men who might fall in the Loyalist cause and to provide comforts for the yeomanry. On the 4th August the out-pensioners of Chelsea and Kilmainham Hospitals then living in Ireland were ordered to present themselves at their nearest towns to be examined as to their fitness for the defence of the country. Men over sixty or those who were employed elsewhere or were totally unfit were exempt; all others who did not report were to be crossed off the lists of their respective hospitals. The magistrates of the County of Dublin assembled under the chairmanship of Lord Howth and, as a result, the High Sheriff was requested to call a meeting of the nobility, gentry, clergy and freeholders of the County, when a committee was appointed to prepare addresses to the King and to the Viceroy on the position in Ireland.

¹ *Dublin Evening News*, 9 August 1803.

Three weeks after the insurrection the Commander-in-Chief held an inspection of Yeomanry in Stephen's Green, and the numbers returned were upwards of ten thousand men. Two days later a large meeting of the leading citizens took place at the Royal Exchange, when all present pledged themselves to stand or fall by their King and Ireland. Nor was the country behind the capital: preparations were being made through the length and breadth of the land. A letter from Derry, quoted in the *Dublin Evening News*, says: "The very best spirit discovers itself in every part of Ulster. From Newry to Buncrana, bounded by the Channel and the Ocean, all is zeal and alertness; the people are drilling 'con amore' and will give the most effectual aid to Government."

During the week following the insurrection several of the leaders were arrested, but difficulties had arisen with regard to trying them by Court Martial. Lord Redesdale had decided that this could not be done, and he explained the position in a long letter to Lord Hardwicke, dated the 3rd of August.¹ The Lord Lieutenant took a different view; he wrote on the subject to his brother² and Charles Yorke replied:

"... I find that the best opinion here is that you have acted perfectly right in giving way to the opinions of the Chancellor and the Attorney-General on the subject of trying the rebels. It could not have been otherwise, and in my opinion it would not have been advisable to have inserted any clause in the Bill with a retrospective effect. . . ."³

Immediately after the outbreak Lord Hardwicke had appointed a special Commission to deal with it, presided

¹ Add. MS. 35717, f. 117.

² *Ibid.*, 35702, f. 316. (See Appendix A.)

³ *Ibid.*, f. 327.

over by Lord Norbury. Most of the leaders had been taken and they were duly tried and hanged. The author of the seditious literature that had been discovered had vanished, and the Government were convinced that a youth of twenty-four, named Robert Emmet, the son of a Dublin surgeon, who had long been known as actively engaged in treasonable practices, was the writer as well as the chief organizer, if not the instigator, of the plot. It was not till the evening of the 25th August that he was arrested at Harold's Cross and taken to the Castle, where he was identified. Five days later he was brought up for secret examination before the Lord Chancellor, the Attorney-General and the Chief Secretary, but he refused to give any information either about himself or with regard to some "very clever and striking letters" in a lady's handwriting which were found on him. An intercepted note revealed her as Sarah Curran, the daughter of an eminent Counsel, who had consented to defend Emmet, but who was ignorant of his daughter's relations with the accused. He immediately withdrew from the case. Emmet had also asked George Ponsonby, who had been a leading opponent of the Union, to defend him, but he had retired to Tipperary and did not appear anxious to undertake the job. William Burton was finally appointed, for whom the Attorney-General said the Crown would allow Ponsonby to be substituted at any reasonable time, and Leonard McNally. It was not till long afterwards that the fact of McNally's position as a Government agent became known. He was implicitly trusted by the nationalist party for whom he acted as legal adviser; they revealed to him all their plans and confided to him their secrets, and though they often marvelled at the knowledge of their proceedings which the Government possessed he

was never suspected, so well did he play his part. Curran was devoted to him. There was no man for whom Lord Cloncurry—that “patriot peer”—professed a greater respect and never was McNally more trusted and admired than in July 1803. He was generally referred to in the secret official reports as the “friend.”¹

Emmet’s trial before Lord Norbury and a jury of Dublin citizens on the charge of high treason began at 9.30 on 17th September. He had disguised his handwriting so well that, though the Crown possessed many papers known to have been written by him, it was impossible to obtain proof and no one could be found to swear to them; but without this evidence the case against him was complete, and the whole plot, in all its folly and wickedness, was revealed. The story of the insurrection and of Emmet’s trial and death have been so often described by Irish writers with passionate sympathy that it is unnecessary to give it fully here. This short account is taken from official documents written at the time, or soon afterwards, and preserved in the Public Record Office and in the Manuscript Department of the British Museum. It differs in important particulars from most of those already published.

The Castle was to be attacked by a force led by Emmet himself and the Viceroy was to be taken prisoner at the Viceregal Lodge. Emmet had kept his followers in ignorance of his plans till the last moment, and when they found how futile were his projects and how poorly he was provided with arms and ammunition they deserted him. Only eighty men out of two thousand expected had assembled by nine o’clock and they soon diminished to eighteen or twenty. They had only a few blunderbusses

¹ W. J. Fitzpatrick: *Secret Service under Pitt* (1892), pp. 174 *et seq.*

between them; the man who had charge of the fuses and rammers forgot them and went off to Kildare; the fuses and hand grenades had been put where they could not be found; cramp irons were not procured in time from the smiths and only one scaling ladder was ready. Emmet saw that his plans and preparations had miscarried and, after a consultation with his confederates, decided to give up the idea of attacking the Castle and to lead his followers to the Wicklow Mountains. Shortly before nine o'clock in the evening he distributed pikes and about twenty blunderbusses, and, arrayed in cream pantaloons, a gold-laced green coat, Hessian boots, a cocked hat with white plumes and a red sash, and carrying a big sword, accompanied by two of his generals—a bricklayer and a baker—he sallied forth from his depot in Dirty Lane, followed by a motley crowd, with the idea of gaining the country by the shortest road. The Generals, attired in green coats, but without the gold lace, brought up the rear and tried to keep the men together. It proved a hopeless task; they refused to obey orders and having attracted hooligans from the slums, and others, none too sober, out for a Saturday evening lark, the rabble proceeded riotously down the streets and were at once out of control. Emmet and his generals fled to the mountains, leaving the men to their own devices. As they ran, they heard the shots and shouts of the murderers of Lord Kilwarden and his nephew, but they did not think it safe to return and interfere. The story of the chivalrous rescue of Miss Wolfe by Emmet and his efforts to protect Lord Kilwarden, so assiduously circulated, is not borne out by official reports. For some days he wandered about, posing as a French General and speaking broken English, but his affection for Sarah Curran and his desire to see his confederates

overcame his caution. Discarding his cocked hat and gold-laced green coat, he returned to the suburbs of Dublin and was finally arrested when hiding at Harold's Cross.

No defence was made by his Counsel, but he was allowed to address the jury, which he did in a long, eloquent and treasonable speech for which he was repeatedly called to order by Lord Norbury. He was found guilty and sentenced to be hanged the following day. There was universal sympathy for his youth, and regret for his misplaced hopes, dreams and ideals. His dignity, courtesy, eloquence and personal charm attracted all with whom he came in contact, but fanaticism and egoism were abnormally developed in his curious and complex character. With the help of a few hundred pounds and a body of ragamuffins, he saw himself the saviour of his little country, rescuing her from the tyranny of the mightiest Empire the world has ever known; and arrayed in cream pantaloons, green gold-laced coat, white plumed hat, red sash and big sword, saluting the flag of the Irish Republic, floating proudly from the Tower of Dublin Castle. It was all very childish and the Irish Government were pitiful. Seeing the nervous, overwrought condition of the boy, Lord Redesdale was very gentle in his examination, and it is recorded that Lord Norbury shed tears after he had passed sentence. Efforts were made by the Crown to keep Miss Curran's name out of the case, and in referring to her letters the Attorney-General spoke of the writer as a "brother conspirator." Unfortunately a barrister recognized her handwriting as the letter lay on the table and the secret could no longer be kept.¹

After Emmet's sentence no one was allowed to see him

¹ Public Record Office, H.O. 100/113.

but his Counsel, McNally, and a clergyman. On the day of his death he wrote to Wickham:

“Sir,

Had I been permitted to proceed with my vindication it was my intention, not only to have acknowledged the delicacy with which I feel with gratitude I have been personally treated, but also to have done the most public justice to the mildness of the present administration of this country, and at the same time to have acquitted them as far as rested with me of any charge of remissness in not having previously detected a conspiracy which from its closeness I know it was impossible to have done; I confess I should have preferred this mode if it had been permitted, as it would thereby have enabled me to clear myself from an imputation under which I might in consequence lie and to have stated why such an *administration* did not prevent, but under the peculiar situation of this country rather accelerated my determination to make an effort for the overthrow of a government of which I did not think equally highly. However, as I have been deprived of that opportunity, I think it right now to make an acknowledgment which Justice requires from me as a Man and which I do not feel to be in the least derogatory from my decided principles as an Irishman.

I have the honour to be Sir,

With the greatest respect,

Your most obedient humble servant

ROBERT EMMET”¹

He died with courage and dignity and at once became one of Ireland's most romantic heroes, with his name enrolled on her list of patriot martyrs and a rallying point of passionate aspirations. His picture was treasured in the

¹ B.M. Add MS. 35742, f. 196.

little shanties and humble dwellings of that tormented land, and prayers went up to Heaven for the repose of his soul—Protestant heretic though he was. Irish men and women are easily influenced by an excitable, magnetic personality.

Lord Redesdale's conduct during the riot still further enhanced his reputation, and in writing to Charles Yorke the Chief Secretary told him that the Chancellor's services had been invaluable to the Government. His absolute impartiality and justice were gratefully acknowledged by the rebels themselves. It is recorded that Thomas Russell, who was executed for high treason soon afterwards, informed the prison officials that the Chief Secretary and the Chancellor "were quieting the country by such means as have not been adopted by any other administration." This testimony is all the more valuable as Russell appears to have been the best-balanced and the most highly-educated member of his party—a genuine patriot.

CHAPTER VII

IT is important that the Chancellor's point of view with regard to the Roman Catholic Church should be clearly understood, for it has been grossly misrepresented by some Irish historians. Though in common with the vast majority of his countrymen he disliked their tenets he had no quarrel with the Roman Catholics, as such. It will be remembered that in the early days of his political career he brought in a Bill to improve their position. His well-balanced, judicial mind, trained to avoid extremes, and his kindly nature suffered the English Roman Catholics quite easily, and in this he was in advance of his intolerant, bigoted age. It is difficult to realize how profoundly the Roman Catholic Church was disliked and distrusted by all classes of the English people in the early days of the nineteenth century. The Pope and his activities were an obsession with many otherwise quite charitable persons. Lord Redesdale looked upon the English Roman Catholics as a profoundly deluded, but a perfectly respectable, body of people and with many of them he was on very friendly terms. It was the Irish clergy who roused his animosity and his objections to them were considered and profound. He regarded them as the enemies of the Irish race, poisoning the very vitals of the national life; agitators of the worst type, ambitious of being political potentates rather than pastors of their people—dangerous and extreme men, always plotting to lower the prestige and to weaken the authority of His Majesty's Government in Ireland. He was convinced that most of the disturbances and difficulties

he met with were due to their actions or indirect influence. For this he blamed the psychology of the Irish mind, joined to the peculiar position of their Church in the country, and not to the tenets of their Faith in the abstract. In his subsequent speeches in the House of Lords on the subject he made this distinction perfectly clear.

The Executive respected Irish traditions and sentiments, and the conciliatory policy towards the Roman Catholics which they deliberately adopted was generally recognized. It had been publicly acknowledged by Dr. Troy, and many Roman Catholics had helped the Government in various ways. A footnote in R. L. Sheil's *Sketches, Legal and Political*¹ says: "It is to be remembered that (although Mr. Pitt was then Minister) the Irish Government of Lord Hardwicke was neither illiberal nor anti-Catholic. Both Mr. Plunket and Mr. Bushe held office under it. . . . An Irish Roman Catholic might have supported the Government in 1803 without any compromise of his independence." Sheil was one of the ablest leaders of the Roman Catholic movement. H. Twiss, in his biography of Lord Eldon (I. 430), referring to Lord Redesdale's very voluminous correspondence with his friend says that it indicates "an honest and incessant zeal for fair dealings towards the Roman Catholics."

In the midst of the difficulties and anxieties following the insurrection, and while Robert Emmet was still at large and much yet unknown of the details of the riot, the Chancellor received a letter from Lord Fingall, a generally respected man and the head of the Irish Roman Catholic laity, requesting to be made a Justice of the Peace for the county of Meath. It was an unfortunate moment for Lord Fingall to choose, and whether he made his

¹ 2v. (1855), II. 171.

request in order to help the Government to the best of his power, or whether he was being made the tool of others, working for the discomfiture of the Viceroy and the downfall of the Chancellor, will probably never be known. The request placed Lord Redesdale in a difficult position. He was intensely anxious that the Civil authority should be vested in men whose conduct was above reproach and who would carry out the law without fear or favour. His letter on this subject, previously quoted, explains his position in the matter and his sense of its importance increased with time. Every appointment was carefully considered in all its bearings and this vigilance was producing good results; the law was being upheld, crime was being suppressed, by civil and not by military power, and encouraging reports were coming in regarding the state of the country as a whole. The Chancellor had a high opinion of Lord Fingall's integrity and loyalty, but he bore the reputation of being a weak man, easily deceived and led by others cleverer and more designing than himself. There had been much disloyalty and religious fanaticism in Meath, and the Chancellor was anxious to appoint men who were morally strong enough to establish and maintain an independent jurisdiction under the higher authorities. Fingall was dominated by the leading Roman Catholic clergy, whom Lord Redesdale despised as plotting, vulgar rogues, conspirators and fire-brands; but Fingall admired them as spiritual strategists, though some, perhaps, were of a rather dubious type, engaged in a holy war against the Protestant infidel, and his temperament and training made him an easy dupe.

There is no doubt that the Chancellor was right in his estimate of Lord Fingall's character and circumstances. His opinion was confirmed four years later in an inter-

view that Sir Arthur Wellesley, then Chief Secretary for Ireland, records that he had with Lord Fingall, when the latter confessed that he was not always able to act as he wished or as he thought most advantageous to the public. He also informed Wellesley that he had explained to Pitt that he "had placed himself at the head of the Roman Catholic laity in Ireland to prevent them falling into the hands of more violent men, but he had not been always able to guide them, and in order to retain any influence over them, he was frequently obliged to adopt measures which were imprudent and of which he disapproved."¹ This was obviously not the type of man whom it was desirable to have as Justice of the Peace over a turbulent county in the midst of the anxieties consequent on an insurrection and in view of a possible French invasion. Many men would have refused his request point blank, but the Chancellor chose another course—one which was to cause him endless trouble and was ultimately to lead to his downfall. The details of this incident are in themselves void of interest, but their results were far reaching and affected the Chancellor's future to a degree out of all proportion to their importance. He replied to Lord Fingall:

"Aug. 18, 1803.

According to your Lordship's request I have signed with great pleasure a Warrant for your Lordship's appointment to be Justice of the Peace for the County of Meath. At this moment, my Lord, it is peculiarly important that every person entrusted specially with the preservation of the public peace should know and conscientiously pursue the strict line of his duty. Your Lordship's distinguished loyalty, at all times and on all occasions, leaves me no

¹ *Civil Correspondence of the Duke of Wellington*, V. 15.

room to doubt that you will exert yourself to the best of your judgment for this important purpose, and the same distinguished loyalty that probably marked your Lordship out as one to whom nothing could safely be uttered tending to demonstrate any disposition towards rebellious outrages, which have of late produced such dreadful effects, and excited so much alarm. But I fear there have been too many in whose presence and hearing demonstrations have been made and uttered which ought to have alarmed the minds of loyal men, and induced them to communicate the ground of that alarm to those in authority under the Government, and especially to the Justices of the Peace in their several districts, but who have thought fit to retain the impression made on their minds within their own breasts and to leave the chance of discovery to other means. The persons to whom I allude have principally been persons professing to hold the same religious faith with your Lordship, and over whom I most sincerely hope your Lordship's high character may give that influence which justly belongs to it. It would be highly important, therefore, that your Lordship in the discharge of your duty as a magistrate, should take every opportunity of clearly stating and most strongly inculcating and enforcing the great duty of allegiance, and that that duty is not confined to forbearance from open rebellion, or even from acts tending towards rebellion; that true allegiance is an active duty, requiring every man, not only to suppress rebellion when it shall shew itself in violence, but to disclose to that Government under which he lives, whether he be a natural-born subject of that Government, or sojourner only under its protection, everything which can raise ground for suspicion of disloyalty in others; and it is particularly important that your Lordship should, as a Magistrate, state and enforce, that persons, knowing of a treasonable purpose who do not disclose it are guilty in the eye of the law, of that crime

which has been denominated misprision of Treason, and, if they yield any kind of assent to the intended treason, they become traitors themselves. Your Lordship's enlarged and liberal mind, distinguishing clearly between spiritual and temporal concerns, must feel that there can be no duty of religion contrary to the duty of allegiance; and indeed, no man, however ignorant or prejudiced, can read the Holy Scriptures without finding that the duty of allegiance to a Pagan Government was strongly and repeatedly enforced by Christ and His Apostles, especially by the latter, who found the Christians of the time too much disposed to consider their faith in Christ as absolving them from their allegiance to the Country in which they lived. I am truly sorry to say that I fear in this Country, all who profess to be Ministers of the Gospel of Christ, do not teach Christ's doctrine of allegiance to their flocks; and I particularly lament to find in the minds of men who assume the highest rank amongst the Ministers of the Roman persuasion, the frequent use of language, tending to raise in the minds of the ignorant an opinion that none are to be considered as members of the Catholic Church of Christ, that none are therefore to be esteemed as brethren in Christ but those who profess adherence to the See of Rome. Until the minds of men are brought to a different temper—until the Priests of the Roman persuasion shall cease to inculcate to those under their instruction doctrines so repugnant to their temporal allegiance—until they shall cease to inculcate that all those who differ from them in religious opinions are to be considered as guilty of defection from the See of Rome; that is as guilty of rebellion (including His Majesty's sacred person in that description) it cannot be expected that vulgar men should think themselves bound by any tie of allegiance to a King thus represented to them, as himself guilty of a breach of what is termed a higher duty of allegiance. That liberty of conscience, which those

of the Roman persuasion desire for themselves, they ought to allow to others, and they do not allow that liberty of conscience, but on the contrary sanction the worst of persecutions wherever they treat any man sincerely believing in Christ the Redeemer of Mankind as not a member of the Catholic or Universal Church, founded by Christ and his Apostles, because that man does not believe all that they believe of the See of Rome, and of the doctrine taught by it. *I can consider no man (whatever his profession of loyalty may be) as truly the loyal subject of a King whom he holds up to his people as the object of disaffection, nay, of hatred,* because that King holds a different opinion in matters of religion from those who adhere to the See of Rome, and because he refuses any obedience in matters temporal to that See. It will be your duty, my Lord, as a Justice of the Peace, with the most anxious attention, to respect no man whose conduct shall tend to disturb it; to exhort all men, by patience and forbearance, as well as by exertion, to use their utmost endeavour to preserve it, and however anxiously they may wish for a change in the establishment, provided by the Law of the Land, for the maintenance of religion; however conscientiously they may think that the ends of religion would be better answered by putting those of the Romish persuasion in place of those of the Catholic Faith, they cannot, consistently with the duty of their allegiance, pursue that purpose, by abetting, or even by declining to resist and suppress the rebellious conspiracy formed for that purpose.

I have no doubt that the firm and distinguished loyalty which has marked your Lordship's character in every other situation of life, will guide your steps in the discharge of your duties as a Magistrate. May God, to Whom all our errors and imperfections are known, protect and guard you, and lead you to that end which will most accord with the beneficent purposes for which the office

of Magistracy were intended, and for which, alone, I am persuaded you prevail on yourself to undertake so arduous a charge, under circumstances of so much difficulty”.

An English Roman Catholic gentleman would have disagreed with much in this letter, but might have recognized the lofty spirit and sincerity which so obviously animated the writer, and, with his racial dislike to making a fuss, would probably have put it away among his papers, and there the matter would have ended. Not so Fingall. He replied, and a correspondence ensued. There can be no doubt that he showed the letter to Dr. Troy and the leading Irish clergy, who were quite aware of the Chancellor's sentiments towards their body. Troy, the cultured and wary Dominican, behaved with the diplomacy and caution of the trained Roman ecclesiastic. Gradually the matter became widely known. The letters found their way to wherever they would be likely to stir up difficulties for the Chancellor and the Irish Administration. They were eagerly seized on, and made use of, by his enemies to discredit the writer on every possible occasion. They were reproduced in the Dublin papers; copies were sent to the leading statesmen in England, and they have even been published in Lord Castlereagh's correspondence, for no obvious reason. The subject was always cropping up in parliamentary debates, where it was purposely introduced when the speaker desired to discredit the Chancellor or the Government he served so loyally and efficiently. The matter is referred to with vindictive insinuations or vitriolic abuse by most Irish historians in writing of that period, and it is well that the Chancellor's case should be made public at long last.

“‘What is Catholic Emancipation?’ he asked the Speaker. ‘I can get no man to tell me. You have probably seen in the papers a gross misrepresentation of a correspondence into which I was led by Lord Fingall, by entertaining an opinion that his integrity was unquestionable. I have found, however, that in a weak and bigoted man integrity is easily overcome by designing persons. I dare say no act could draw Lord Fingall into rebellion or even into any manifestly dishonourable act; but it has been easy to prevail on him to disclose a private correspondence and to give it to the public, not indeed in print, but in written copies so numerous as to be almost as easily circulated and more liable to misrepresentation. I have endeavoured to learn from his Lordship what he desires and I find it to be an indescribable something ‘to be conceded to the Roman Catholics without danger to the Protestant Establishment.’”¹

The general opinion in England was that the Chancellor had acted foolishly, a lapse from cool judgment which sometimes overtakes the sanest men. Charles Yorke, with whom Lord Redesdale had corresponded on the subject, told his brother that he did not agree with the Chancellor’s views and Lord Hardwicke replied:

“Dublin Castle,
12 October.

Private and Confidential.

My dear Charles,

In your letter of the 30th ult. you mention having lately received from Lord Redesdale a letter on the subject of the Roman Catholic question. I have had several conversations with him at different times upon this important and delicate subject, and, from what I have learnt of his general sentiments, I presume that when you state yourself

¹ *Diary and Correspondence of Lord Colchester* (op. cit.), I. 475.

as not concurring with him in his views of the subject that you refer rather to the policy of an early and full discussion of the question, which he thinks ought to be fairly met with a view of putting it to rest, than to the particular opinions he may entertain on the different parts of the question itself. Lord Redesdale has always been adverse to a compliance with the Roman Catholic claims, viz. to what is erroneously and mischievously called emancipation and to a settled provision for the clergy. From hearing the subject much discussed and from an apprehension that the question will certainly be brought forward in the ensuing Session of Parliament for the purpose of embarrassing the Government, Lord Redesdale conceives that Ministers must either oppose it by a previous question or by a direct negative, and I know that his opinion is that the latter mode is the most eligible. I agree with you most entirely in hoping that it may not be brought forward at all, but I fear there are some people so abominably wicked that they would rather press it upon Parliament for the very reasons which induce us to deprecate the discussion. You may possibly have heard of a correspondence between our Chancellor and Lord Fingall upon the subject. It has been read by so many people and so much talked of that I was desirous to have copies of the Letters. It is at all events very fit that you should see them, and therefore I send them for your perusal, but I should be glad if you will return them to me at your leisure, and if you think it necessary to shew them at all to do so with caution. There is another letter from Lord Redesdale, but I have not seen it. I cannot help being rather sorry that the letters, which contain matter very fit for conversation between persons likely to agree in sentiment, should have been addressed to Lord Fingall, who has been considerably embarrassed by the correspondence. He is a very worthy, excellent man and no bigot; and I have little doubt that he agrees with many of the

points laid down by Lord Redesdale. But he has no influence with the priests, who I believe act very differently in their intercourse with the lower orders of people and with persons of education".¹

Yorke answered the above letter on the 23rd:

"... The letters you sent and which I have otherwise received touching the Catholic question are extremely curious, but I must say, extremely indiscreet. My decided opinion is that if it is possible this most dangerous question ought not to be stirred during His Majesty's life, and whoever stirs it is an enemy to his country. Let it rest, if it be God's will. I will therefore not discuss it. I will only say that I cannot agree with Lord Redesdale in his view of it"².

Unfortunately the matter did not "rest" there. In one of his letters, dated 26th September 1803, the Chancellor stated that "a Priest, proved to have been guilty of sanctioning the murders in 1798, transplanted to Botany Bay and since pardoned by the mercy of Government, has been brought back in triumph by the same superior, to what, in defiance of the law, he calls *his parish* and there placed as a martyr in a manner the most insulting to the feelings of the Protestants, to the justice of the Country and to that Government to whose lenity he owes his redemption from the punishment due to his crimes." This statement drew forth a "humble remonstrance" from the subject of these remarks, the Reverend Peter O'Neil, parish priest of Ballymacoda, and addressed to "the Nobility and Gentry of the County of Cork", in which he gives his version of the transaction in a very long

¹ B.M., Add. MS. 35703, f. 265.

² *Ibid.*, 35704, f. 52.

narrative. It is dated 23rd October 1803, and two months later the Chancellor received a letter from Dr. Coppinger (26th January 1804), Father O'Neil's Ordinary and Roman Catholic Bishop of Cloyne and Ross, the "Superior" to whom the Chancellor referred.¹

In the meantime the propaganda carried on was so successful that the incident had been kept well before the public and had become exaggerated beyond recognition. Mr. Knox, member for Dublin University and brother to the Bishop of Derry, in a letter to Marsden, inquired: "Have you heard of Lord Redesdale's foolish letter to Lord Fingall exhorting him to turn Protestant?" and Mr. Marshall, Inspector of Taxes General of Imports and Exports, writing from Harrogate to the unfortunate Marsden, remarks: "I have heard a great deal about the correspondence between Lord Redesdale and Lord Fingall, and I am sorry for your friend the Chancellor's sake that he ever commenced it, but possibly I have not been very well informed about it."

Events proved too strong for Charles Yorke, who was at last obliged to depart from his determination not to discuss the subject, and he wrote to his brother (8th January 1804):

"Entre nous, I am excessively concerned about that unlucky correspondence between our Friend, Lord Redesdale, and Lord F.; it begins to be much talked of and to make a great deal of noise. In the House we shall never hear the last of it; especially as I am told that the instance of the Catholic Priest who is alluded to as a martyr in Waterford Co. turns out on enquiry to make very much *against* the Protestant side of the question. In

¹ Appendix B.

truth, if the circumstances I have heard are true, it can only be answered by a general reference to the horrors and atrocities of a civil war”.

The Chancellor had read Dr. Coppinger's letter with profound irritation and contempt. A few days later he sent the following reply:

“Feb. 1, 1804.

My letters to Lord Fingall (as far as they are the subject of your complaint) were a confidential statement to a person of high rank and character and supposed influence among the Roman Catholics, of representations made to me, the truth of which I did not assert, but communicated them to his Lordship as I received them, that he might make proper enquiries; and if he found the representations to have any foundation, I hoped he might be induced to use his influence (which I find very much overrated) to prevent what might produce considerable irritation in the minds of the Protestants of Ireland. These letters, therefore, ought to have remained in the closet of Lord Fingall: a different use has been made of them, for reasons sufficiently obvious; but I am not responsible for a publication which is an abuse of my confidence, and perhaps, also of the confidence of Lord Fingall. I have, I think, a right to complain of any publication of those letters, but I have a right most strongly to complain of the great injustice of that partial publication, which has afforded ground for the grossest and most malicious misrepresentation. Those who determined to abuse my confidence and (as I am informed) that of Lord Fingall, would have acted a more manly, and so far, a less blameable part, if they had given the whole correspondence as it has actually passed in print, so as to be accessible to everyone. Any publication I should have considered as a gross injustice and must resent it as such. My letters could not have been

injurious to you, if they had remained with Lord Fingall. If any injury has arisen to you from the publication, it would not have proceeded from me. But the letters, though published, could not have been injurious to you, had they stood alone and without comment, for I did not mention your name, nor did I know that your name could be in any way connected with the information which I had received and communicated to Lord Fingall, until Mr. O'Neil's pamphlet was sent to me, and, you now tell me, *at your instance*. If that pamphlet makes an application which I never made, the application springs from Mr. O'Neil and yourself. You call that pamphlet 'an humble remonstrance.' I consider it as one of many extraordinary publications which have lately appeared; some imputed to high authority; others countenanced by high authority; the tendency of which is to insult the Protestants of Ireland and their religion, and to irritate the different sects against each other. I have no disposition to attribute these publications to the Roman Catholics in general. On the contrary, I believe, there are many, very many, who sincerely deplore their mischievous effect. But the publications demonstrate the temper of those who have composed and patronized them; and with a person who professes to consider Mr. O'Neil's pamphlet as 'an humble remonstrance' I think I cannot prudently hold any correspondence, especially after the treatment I have experienced with respect to my letters to Lord Fingall. I shall therefore decline giving any further answer to your letter, which would unavoidably lead to a long and unpleasant discussion".

This letter closed the incident, so far as Lord Redesdale was concerned. The whole correspondence from which these letters are taken was published in pamphlet form in 1804 and copies are preserved in the libraries of the British

Museum and Trinity College, Dublin. The tables were being turned so successfully on the Chancellor that the Reverend Peter O'Neil was being talked of as a greatly injured ecclesiastic, and it was felt in high quarters that steps must be taken to find out the truth. The following letter from Marsden to Lord Castlereagh throws more light on the affair.

"The Castle, Dublin.

1st Feb. 1804.

Private.

My dear Lord,

I have got the original proceedings in the case of O'Neil the Priest with some papers and letters which are connected with them.

The statement made by O'Neil is false in many particulars, particularly so as to Green's evidence, which is exactly what the D. Judge Advocate reports it to have been.

I should not, however, wish the whole case to be much canvassed, as the man never underwent any species of trial previous to the whipping which he received and a long detention in prison: but it was the case with many beside him at that period (June 1798) before regular proceedings by Court Martial were instituted, even before the passing of the Act. It was really a year and a quarter after this that, by order of Lord Cornwallis, the Court of Enquiry was held which examined evidence, certainly altogether *ex parte*, and not going to prove the committing of the crimes with which O'Neil was charged, but merely his declarations of his guilt. That he was guilty I have not the smallest doubt, but the circumstances I have mentioned will not stand test at this day and the informality overweighs the crime. Upon the whole, I should therefore be inclined not to press forward any proceeding which could bring the whole matter under further observa-

tion. At the same time that opportunities may be taken to flatly contradict the statement of the Reverend Rebel.

McKenna was his Champion and he is the friend to whom the proceedings were being read by Sir E. L. [Edward Littlehales]. I am waiting to see McK. to get him quietly to avow or disclaim the case which has been made. If he does the latter, our case will be strengthened".¹

There appear to be no further records of the case in existence.

A French invasion was, at this time, confidently expected and several regiments of the Irish Militia had offered for service in Great Britain. A Bill was introduced into Parliament enabling the King to accept the offer and the Chancellor's conduct with regard to the government of Ireland was made the subject of much criticism from the Opposition. In the Commons Mr. Hutchinson supported the measure "because it refuted the action of the Lord Chancellor, who arrogated to himself the privilege of harrowing up the feelings of millions of his fellow subjects by imputing to them principles which they abhorred and motives by which they were not actuated." Other Opposition speakers declared that no improvement could be expected while the present Lord Chancellor dictated the policy of the Irish Administration. In the Lords a debate on the subject was opened by Lord Boringdon, who took occasion to make hostile remarks on the now notorious correspondence. The Lord Chancellor (Eldon) replied that:

"It was impossible for him to remain silent after the charges unjustly cast upon a noble person, who had long been his dearest and most intimate friend, and against whom uncommon pains had lately been taken to excite

¹ B.M., Add. MS. 35746, f. 100.

a most unfounded prejudice. That noble person had been accused of entertaining sentiments inimical to a large body of the Irish people. This was wholly untrue; and indeed, on many occasions, Lord Redesdale had been the best friend of the Roman Catholics of Ireland, and their most strenuous advocate. Thus much he thought it proper to say in behalf of one whose excellent qualities he had long known and continued to hold in the highest estimation, and whose friendship he hoped to preserve as long as life continued within him".¹

It is satisfactory to learn that the Chancellor and Lord Fingall were reconciled the following year. Lord Redesdale had expressed a wish that the past should be forgotten and Lord Fingall was anxious for a renewal of friendly intercourse. They met at a dinner party given by Sir Evan Nepean soon after his appointment in March 1804. It was a reconciliation honourable to both parties, but wherever their names have appeared in the Irish history of those days, this incident, distorted and exaggerated, has been recorded against them.

¹ H. Twiss, *Public and Private Life of Lord Chancellor Eldon* (1844), I. 429.

CHAPTER VIII

THE attitude adopted by the Addington Administration towards Ireland was deeply resented by the Chancellor. Letters between the King, the Duke of York and the Prime Minister on the subject had also been made public, and this action he considered a great breach of faith as well as highly impolitic. He wrote to the Viceroy on these matters and continued:

“I lament also that Mr. A. [Addington] and Mr. Y. [Yorke] have, if the newspaper reports are true, suffered themselves to be drawn to make declarations respecting the 23rd of July not strictly true and I fear your Excellency’s despatches have not been very carefully read. If they had been so read it is impossible that Ministers could have so explained themselves. I think they will at least find that they will involve themselves in their tenderness to others. It is true, I believe, in politics as in every part of life, that honesty is the best policy; and although truth is not to be spoken at all times, yet if truth cannot be spoken, silence is wisdom”.¹

Although the Irish Administration was reviled by the Opposition and ill supported by the Government, the justice and mercy of their rule was well recognized and appreciated in the most unexpected quarters in Ireland. Tributes have already been quoted, and the following appreciation from Grattan, in a letter to Charles Fox,

¹ B.M., Add. MS. 35717, f. 149.

must have been unpalatable reading for one of the Chancellor's most determined political opponents.

"Without any alteration in the legal condition of this country, and merely by a temperate exercise of the existing laws, the present chief governour of Ireland has more advanced the strength of Government and its credit than could have been well conceived. A rebellion broke out in the capital; in a few days, without the *torture*, he discovered, I believe, 2,000 pikes, and in a very few weeks had more yeomen than Lord Camden in the whole of his government; and without a single act of violence put down, I think completely for the present, the insurrection: or rather he set up laws and made *them put down rebellion*, withdrawing the credit of Government at the same time from religious and political controversy. From the manner in which the last rebellion was put down, I incline to think that if Lord Hardwicke had been Viceroy and Lord Redesdale Chancellor in '98 the former rebellion had never existed, but *how far either have powers to effect that radical change and to plant loyalty—permanent, unfeigned loyalty—in this country, I have great fears; rather no hopes that I shall live to see that executive of legislative philanthropy that shall make the two countries act as one: not merely from the dread of France or the apprehension of plunder from their own populace, but from the love of one another*".¹

An animated debate took place in the House of Commons the following March on Sir John Wrottesley's motion for an inquiry into the conduct of the Irish Government relative to the insurrection. They were ably defended by Lord Castlereagh, but the occasion was taken advantage of by Charles Fox and his friends to criticize the Irish

¹ H. Grattan (Jnr.), *Life and Times of Henry Grattan* (1839-46), V. 242-3.

Chancellor with regard to the, now notorious, Fingall correspondence. The Attorney-General, in vindicating his brother-in-law, pointed out that the riot had not lasted an hour and that there was little ground for forming an opinion of its magnitude. With respect to the correspondence, it was undeniable that Lord Redesdale had not published the letters, and the mischief, if any had been produced, was caused by their publication. The Chancellor, in communicating his sentiments to the man on whom he was conferring the right of exercising the functions of a magistrate, was not guilty of any impropriety in suggesting what he conceived might be useful to Lord Fingall in the discharge of the duties of his new office. Mr. Windham, in a speech dealing largely with the correspondence, declared that any man who could think of the case of Father O'Neil as was done in the letter to Dr. Coppinger must have lost for the time being all legal ideas and decent feelings. Another member here rose to order and observed that the correspondence had no connection with the motion before the House, but Windham still continued in the same strain. He was again appealed to, this time by Mr. Alexander, who hoped he would see the impropriety of putting Lord Redesdale on his trial, as it were, when the motion related solely to the insurrection of the 23rd July. These remarks brought Charles Fox to his feet, excitable and vindictive as ever, who maintained that Windham was quite in order. A scene ensued, in which an appeal was made to the Chair from all parts of the House. The Speaker declared that he saw no connection between the correspondence and the motion, but as the subject had already been discussed, all members must be allowed the same indulgence. The matter was then dropped. The division took place at 4.30 on the follow-

ing morning, when the motion was defeated by a majority of 96.

The difficulties that surrounded the Irish Administration were, in a great measure, the result of the unsatisfactory relations that existed between the civil and the military authorities in Ireland. Lord Hardwicke had foreseen that this would be an awkward and delicate matter when he accepted office, and the result had more than justified his apprehensions. The question resolved itself into whether the Lord Lieutenant was to be the supreme authority, over the military as well as over the civil departments, or whether the Commander-in-Chief of the Forces in Ireland was to take his instructions straight from Whitehall and not through Dublin Castle. The Commander-in-Chief had declined to recognize the right of the Viceroy to be the channel by which his orders were to be communicated to his subordinates; the Viceroy, on his side, looked upon this attitude as an insult to his office, which lowered his prestige in the country and exposed him to insults and humiliations. The recent insurrection had brought matters to a climax. It was the firm belief of the Castle officials that the disaster was solely due to military incompetence and neglect, and that it would not have happened if Lord Hardwicke, by virtue of his office, had had supreme control. That the Governor-General should be kept in ignorance of the military plans for defending the country at a critical time; that regiments should be withdrawn without his consent; that all ammunition should be removed from the seat of civil government without his knowledge; that his requests for information regarding the war preparations in the various depots should be ignored by those to whom they were addressed—to quote a few cases among many—were generally considered as too in-

sulting any longer to be borne. It was also clearly realized by those in high authority in Ireland that they were being blamed for neglect with regard to matters about which they were generally thought to be responsible, or at least cognisant, but of which they were being kept in ignorance, and this damaged their reputation at home and injured their prospects in no small degree.

After the insurrection Lord Cathcart had been appointed to succeed General Fox as Commander of the Forces in Ireland, and the Chief Secretary, writing on the 9th October to Pole Carew, Secretary to Charles Yorke, on the transport of two regiments which were being sent out of the country without the Viceroy's consent, says in a letter marked "Private and most Confidential":

" . . . It would be madness in a Lord Lieutenant to attempt to direct or control the military operations, but no plan should be formed, much less carried into execution, without being submitted to him; for if all authority does not *appear*, at least, to emanate from him it is much better that there should be no Lord Lieutenant. I speak of this the more feelingly because I think our military force very inadequate to the defence of the country in case the enemy should effect a landing with ten or twelve thousand men, and it behoves us who are personally attached to Lord Hardwicke, as well as to the general interests of the State, to take care that he be not considered responsible when he has neither authority nor control. . . . I have no difficulty in saying to you that if I had ever conceived it possible that the orders of the Army should have gone directly to the Commander of the Forces in Ireland from the Duke of York and not have been communicated by the Secretary of State through the Lord Lieutenant, I never would have accepted my present situation. I should

have felt at once (having been long before accustomed to think about the affairs of Ireland) what I have since learnt from experience that I was committing my own character in a manner that must leave it at the mercy of others in times and occasions of difficulty and danger.

We are very anxious for Lord Cathcart's arrival. I am persuaded that we shall have reason to be satisfied with him. From what I have heard of him on the Continent I believe he is a *good officer*. Believe me, that is all we want here. Give us a man in whose military talents we can place trust and the whole weight and power of the Government will be entirely at his command, with the most unlimited confidence in his discretion as to the mode of employing them. . . ."¹

The irritation caused over the question of supreme authority in Ireland came at last to a head over the Instructions issued to Lord Cathcart by the Commander-in-Chief, a copy of which was sent to the Viceroy. He considered them to be incompatible with the position he held as Governor-General of Ireland and he at once communicated them to the Chancellor and the Chief Secretary. The former suggested as a first step towards bringing the question to a final issue, that a copy of the Patent under which Lord Hardwicke held his appointment should be sent to him to compare with the Instructions given to Lord Cathcart. This was accordingly done and, in a letter to Wickham, Lord Redesdale acknowledged their receipt and expressed the opinion that:

"The Instructions are not only in direct contradiction to the Lord Lieutenant's Patent, but have been framed by a person wholly ignorant of the nature of the office of Lord

¹ B.M., Add. MS. 35742, f. 312.

Lieutenant. The instructions consider him as having only the *Civil* Government of the country, whereas he has the whole *political* Government, including the Military, and the laws of the land require that he should have that power. I do not apprehend that the powers to be given to Lord Cathcart can be given him but by the King's Commission, appointing him Lord Lieutenant of Ireland, for all powers must be under that of the Governor-General. It seems to me that the instructions therefore are wholly unconstitutional.

My mind is as much made up on this subject as yours and I shall act accordingly".¹

Two days later he returned the Instructions and the Commission to Wickham with the following characteristic note:

"I have written a very long, perhaps too long, letter to His Excellency. But my mind is full and strong language I feel to be necessary. We must give support if the person [Addington] who ought to support us is too weak to do it. I have a letter from Lord Eldon which I will shew you".

The letter to Lord Hardwicke, which is now preserved in the London Record Office, goes into the case very thoroughly and was considered a masterly document by the Castle officials.² On receipt of a copy of the Instructions the Viceroy had written to his brother, pointing out that they implied an authority equal with his own, wholly distinct from the Government Administration in Ireland, and that they were quite inconsistent with his Commission, for he considered that, as Lord Lieutenant, he possessed

¹ *Ibid.*, 35703, f. 313.

² Public Record Office, H.O. 100/114.

the same authority over the Commander of the Forces that the King's Government exercised, through the Secretary of State, over the Commander-in-Chief.

In the meantime Lord Cathcart arrived. The high Government officials in Ireland were English gentlemen, greatly concerned in upholding the best traditions of their race and of their class. He was welcomed by Lord Hardwicke with the gracious courtesy which was one of his most attractive characteristics, and by Lord Redesdale and Mr. Wickham with kindly greeting. He dined privately with the Viceroy and a great dinner was given in his honour two days later, when he met the chief officers of his staff, the Chancellor, the two Archbishops and some of the Judges and leading peers. He was very cordial, and his tact and friendliness produced a favourable impression on the apprehensive statesmen, though their indignation with his Chief and with the English Government was not diminished.

Charles Yorke was much surprised and distressed at the indignation "this unlucky paper" seemed to have made on the Irish Administration. He replied to his brother that the Instructions to Lord Cathcart were decided upon by Addington, Lord Castlereagh and himself after much thought and discussion, that there was no doubt that the chief control and supremacy should remain in the hands of the Lord Lieutenant, and he hoped an official discussion of the matter would be avoided in the present critical state of affairs, as Lord Cathcart was determined to support the Irish Government and knew he was obliged to obey orders given by the Lord Lieutenant in the King's name. He only hoped he would not be unnecessarily interfered with. Yorke concluded by telling the Viceroy that if he felt the instructions to Lord Cathcart were incompatible with

his own position, it would be best to ask for his recall and to advise that both civil and military authority should be given to one person rather than chance disputes between the two Departments in perilous times. This letter crossed one from Lord Hardwicke, enclosing the Chancellor's "very able paper." He again explained his position and desired an appeal to the King.¹

Yorke's views on the subject seemed to have been considerably modified after reading Lord Redesdale's statement, though he still maintained that he did not see the matter in the same light as the Irish officials, but he informed his brother that the matter would be laid before the King and Cabinet and that copies of the Lord Lieutenant's Patent and Instructions, as well as those of the Commander of the Forces, would be sent to the Lord Chancellor, to the Attorney-General and to the Solicitor-General for their "confidential opinions." He begged his brother to keep the matter private and that no mention of it should be made to Lord Cathcart.²

These misunderstandings were the more serious from the fact that the long-threatened invasion was generally believed to be imminent, and the apathy of the English Government caused keen anxiety to the statesmen responsible for Ireland's safety. They ascribed it to the weakness of the Prime Minister, as well as to his reluctance to interfere with the Commander-in-Chief, and both the Viceroy and the Chancellor did their utmost to rouse the Cabinet to a sense of their duty towards Ireland. The former sent letter after letter to his brother. He regrets "to be obliged to write to you in a state of complaint, but the times begin to be too serious to admit of further

¹ B.M., Add. MS. 35704, f. 17.

² *Ibid.*, f. 32.

delicacy and I rely upon you to inspire a little vigour and animation into some of your colleagues.”¹

Again, a few days later, he pointed out that, while great preparations were being made in England to repel the enemy, should he succeed in landing, little or nothing had been done for Ireland since August, that this neglect had caused much resentment and the people were only being kept quiet by repeated assurances that sufficient reinforcements of regular troops would arrive before the French had time to complete their vast preparations.

The Chancellor’s indignation was boundless. His long friendship with Addington and several of the Ministers made the position all the more painful to him, and he used every endeavour to open their eyes to the real state of the country. He wrote a trenchant letter to the Secretary of State, and the latter writing on the 23rd October to the Viceroy said:

“Upon the most material point—the effective military state of Ireland—I have just received a letter from Lord Redesdale, dated the 19th, couched in very strong language indeed upon this subject and threatening the Ministry with no less than an impeachment. But if there is any blame due, I conceive it must attach upon the Commander-in-Chief in reference to this delay, and possibly in some degree to the Transport Board”.

After giving details of the movements of ten thousand men of the Army Reserve—the only troops that had been promised or could be spared for Ireland—he continued:

“There is no doubt whatever that a very serious attack

¹ *Ibid.*, 35703, f. 307.

is intended upon *us* in a very short time and some very late and most authentick intelligence announces that Ireland is actually a *secondary* object and likely to be delayed, but that Bonaparte's determination is to attempt an immediate blow at the Capital, considering it as the heart and vitals of the Empire. The anxiety and alarm is consequently very great, especially in the distant counties on the coast, which are, of course, weakly provided; and in Scotland people are at least as much inclined to meditate impeachment as with you".¹

Yorke ignored the obvious fact that while the Scotch could be depended upon to act loyally it was known that in Ireland many were actually in league with the enemy and with Irish conspirators in France; the danger in Ireland was, therefore, much greater. "Ten thousand men landed in Ireland would do more mischief than fifty thousand landed in England," Lord Redesdale had said.

Though the English Cabinet had been informed that Ireland was a secondary object with the French, a paper now in the London Record Office (H.O. 100/114) proves that the Irish Administration had secret information which convinced them that a landing was to be attempted in Galway about this time and "it would be made in great force and on several points, but not by Buonaparte himself." An interesting side-light is thrown on these times by a conversation with O'Meara at St. Helena, in which Napoleon is said to have remarked that: "If the Irish had sent over honest men to me, I would certainly have made an attempt upon Ireland, but I had no confidence in either the integrity or the talents of the Irish leaders that were in France. They could offer no plan, were

¹ *Ibid.*, 35704, f. 47.

divided in opinion and were constantly quarrelling with one another."¹

Matters remained on this unsatisfactory footing for some time. Both the Civil and the Military authorities realized the difficulties of the situation and were anxious to be conciliatory, but they were also obliged to obey their instructions and awkward incidents which needed much tact to handle were continually arising. At last the Prime Minister decided that if the Chancellor would state his opinion fully to Lord Eldon it would be carefully considered, and either the Instructions to Lord Cathcart would be altered or arrangements would be made to prevent any further misunderstanding. Lord Redesdale at once consented, and his statement dealing exhaustively with the whole question is now preserved in the Manuscript Department of the British Museum. The matter now rested between the two Chancellors, and Yorke hoped that every effort would be made to preserve a good understanding, and that everybody would join heartily in endeavouring to *beat the enemy* and *put down rebellion* without entering into nice discussions about the precise limits and forms of authority. "God knows, if this is done, it will soon be over with the British Empire."

Appeals from England were carrying weight. Both sides knew the folly and danger of dissension when the safety of their country was at stake and, as patriotic Englishmen, they ignored as far as possible a situation which would never have arisen had the new Commander been treated by the authorities at home in like manner to his predecessor, who had received no Instructions at all, but had been left to act at his own discretion.

Lord Cathcart was Commander of the Forces in Ireland

¹ C. Phillips: *Curran and his Contemporaries* (1850), p. 263.

till October 1805, when he was given a diplomatic appointment. He concluded his official letter, informing the Viceroy of his departure, with the following words:

“If I were to consult my own inclination I could not desire a situation which would be more gratifying to me than the one I have had the honour of holding for two years, as long at least as there might be a prospect of serving with such an army as was assembled in Ireland; and the kind attentions, marks of friendship and support which I have received from your Excellency on all occasions have made an impression on my mind which nothing can efface”.¹

¹ B.M., Add. MS. 35719, f. 180.

CHAPTER IX

THE Irish Administration were by this time fully convinced that the chief difficulties they were always encountering with the English Government were due, in a great measure, to a systematic campaign which was being carried on by a clique in England with the object of discrediting them and of obtaining the recall of the Viceroy and the Chancellor. They had a firm friend in the King, but the Cabinet were too invertebrate and ineffectual to resist these attacks successfully, backed as they were by the most brilliant and resourceful men who had ever led an Opposition. Among this hostile group, and probably at the head of it, they placed John Foster, formerly Speaker and leader against the Union in the Irish House of Commons and one of the few anti-Unionists who had succeeded in entering the English Parliament. Pitt disliked his domineering disposition and distrusted his good faith, and had cautioned Lord Hardwicke against giving him too much power in Irish affairs. Foster's support, in May 1802, of a motion thanking the King for the removal of Pitt had not improved their relations. The Speaker's opinion of him was expressed to the Viceroy in an account he sent of Foster's speech on Irish Finance in the House of Commons in March 1802: "A more uncandid, unfounded and invidious attack was never made," and "Mr. Foster has become, not what he might have been with honesty and liberality, but what he now is by his obliquity and double dealing. A very moderate personage here and much out of favour with the generality of the House of

Commons." Later on in the letter Abbot refers to this speech as: "An unjust and mischievous attempt of John Foster's to slander the King's Government and the Parliament."¹ Foster's behaviour in the House of Commons was a continual source of annoyance to the Irish Executive and Wickham wrote to the Lord Lieutenant on the 22nd March 1803, suggesting how he ought to be treated:

"He will be at all times when hostilely disposed, a powerful and mischievous opponent. I would make a friend of him *if possible*, for he is well worth having, if only to prevent his being troublesome; then, if he *will* be troublesome, neutralize him, make him as null as possible and hold him up to the Irish as a man thro whose means nothing will ever pass through Government to others. But if he proceeds to open hostility or anything like threats, direct or indirect, meet him fairly as an enemy and be ready to do so and avow the intention to do so. . . . I am only afraid that Mr. Addington should have taken so very unfavourable an opinion of Mr. Foster as may be an obstacle to our keeping him in that state of neutrality which I consider so very desirable".²

The representative of the Irish Government in the House of Commons at this time was Isaac Corry, the Chancellor of the Irish Exchequer, who was also regarded by Dublin Castle as untrustworthy. "It is one of the misfortunes of the Irish Government that it cannot speak for itself in England and that the result unfairly is that it has never justice," complained the Chancellor. Lord Hardwicke considered that the English Government relied too much upon Corry, who was so unpopular in the House with

¹ *Ibid.*, 35712, f. 115.

² *Ibid.*, 35713, f. 40.

those who knew him best that the very fact of his appearing as acting Minister for Ireland prejudiced members who would otherwise have been quite friendly. Lord Redesdale suspected him of belonging to the "little junto" who made mischief between the English and Irish Governments, and was convinced that Irish affairs could not safely be left in his hands.¹

Another sinister figure, always lurking in the background, whose actions were a source of suspicion and irritation during the whole of the Hardwicke Administration, was George Ponsonby, the most active member of an ambitious family, who was considered a political adventurer and Parliamentary schemer of the worst type, always with a keen eye for his own interests and with unscrupulous methods of pursuing them. His father had been one of the leaders in a party banded together with the object of defeating the Government policy, and afterwards, as Speaker of the Irish House of Commons and a Commissioner of the Revenue, he lost no opportunity of pushing forward the claims of his sons. George had skilfully wormed himself into the confidence of successive Viceroys and his rise had been remarkable. Within two years of being called to the Bar the inexperienced young barrister had been made a King's Counsel and appointed first Counsel to the Commissioners of the Revenue, with a salary of £1,200 a year. Belonging to an influential Irish family, a prominent member of the Irish Bar and a keen politician, he wielded for years an influence over the affairs of his country out of all proportion to his worth and ability. His actions did not endear him to the Irish Executive, and the private correspondence between statesmen, both in England and Ireland, is full of unflattering

¹ *Ibid.*, 35777, f. 74.

references to him and to his proceedings. Lord Clare detested him and described him as a "malevolent knave" and his subsequent conduct to Lord Redesdale fully justified this description. The Viceroy, criticizing the Opposition in a letter to Charles Yorke (29th April 1803) said:

"Of that party Grey is the most respectable, both from conduct and property, and upon the whole least exceptionable in political principles. But I have no idea he will be able to come in without many others and I fear his connections with the Ponsonbys will bring forward a train of connections whose pretensions in this country will be found extremely inconvenient to the King's Government and will more than counterbalance any advantages from his support and co-operation".¹

Early in 1804 the position was further complicated by the retirement of Wickham, on the alleged ground of ill-health. This event was a severe blow to the Irish Administration, who placed great reliance on his tact and loyalty and the discretion with which he handled difficult matters in England. They had received an intimation that his successor would live more in Ireland, which they feared would result in a further increase of power to the "little junto" they so much disliked and distrusted. Wickham was succeeded by Sir Evan Nepean, with the Lord Lieutenant's previous consent and approbation, and he arrived early in February.

The views of the Chancellor at the beginning of the year on some of the abuses he had to contend against in Ireland are forcibly expressed in private letters to the Speaker:

¹ *Ibid.*, 35772, f. 157.

“Ardrin,

Jan. 12. 1804.

... Some regulation by law with respect to marriage in this country is absolutely necessary. The existing laws have been contrived so that they might be evaded and must have been formed either profligately or ignorantly. My wards are continually carried off and whether married or not I frequently find difficult to discover. But in some instances the illegality of the marriage alleged is clear, and I generally require a second marriage to prevent disputes on legitimacy. The general profligacy of this country, derived partly from the corruption of their Parliament and partly from the corruptions of the Catholic Church, which is less reformed here than in any Catholic country in Europe, is astonishing to an Englishman. Compensation is required for everything, and enormous compensation. Desire an apothecary to attend a poor labourer; he charges enormously for medicine and five shillings a day for attendance. An apothecary at Black Rock thought me shabby for not giving more than five shillings a day for attending a poor man at Stellarogue in a twenty-one day fever. I desired him to consider that, if he had five persons constantly under his care, his salary for attendance, besides his charge for medicines, would be £450 a year.

Time will, I trust, correct this, with other enormities. Our very charity children are brought up to be fit for nothing but rogues and whores: the boys are only taught what leads them to forgery, the girls what leads them to the streets and an hospital. What do you think of our ladies, governesses of the foundling hospital, not letting the girls assist in cleaning the house because they did not like to see them dirty?”¹

At this time the Chancellor had many private anxieties

¹ *Diary and Correspondence of Lord Colchester* (op. cit.), I. 475.

which affected his spirits. His nephew, Henry Mitford, lost his life in the wreck of *H.M.S. York*, and his brother, to whom he was deeply attached, had suffered so many sorrows and disappointments that it was feared he was sinking under them. Lady Redesdale was unhappy in Ireland: she was expecting her confinement and his daughter was born on the 11th April. In these circumstances absence from his country and his family became daily more difficult to bear. In March (1804) he was offered the post of Chief Justice of the Common Pleas on the death of Lord Alvanley, and though the temptation to return to England was great, after consulting with the Lord Chancellor and the Prime Minister he declined the honour. The political crisis which occurred in England in April increased the anxieties of the Irish Administration and complicated their already sufficiently difficult task. The strength of the British Government had been shaken, with greatly reduced majorities, and on the 29th April the Addington Cabinet resigned. Changes in the Irish Administration were also threatened. It was rumoured that Lord Moira had been offered the Government of Ireland, with the Command of the Army, and that Sir Evan Nepean was to be removed to make way for a friend of Pitt's. Lord Hardwicke was anxious to resign before he was recalled, but this did not meet with the approval of Lord Redesdale, who wrote to him on the 8th May:

"I agree with Wickham in opinion that your Excellency ought to wait for recall, for many reasons. I should consider Ireland as having no more to do with the general administration than Jamaica. If motions relating to Ireland are to be carried into execution which your Excellency disapproves I should think it most advisable to decline

concurring, but to say nothing of recall, leaving it to Ministers to recall and having it to say I was recalled because I did not think fit to carry into execution such and such measures. I have before ventured to suggest this to your Excellency and am persuaded nothing so much embarrasses Ministers as being compelled to recall.”¹

The Viceroy took the Chancellor's advice. There were fewer changes than were anticipated, but Charles Yorke was succeeded by Lord Hawkesbury as Secretary of State for Home Affairs. Pitt had become by this time reconciled to Foster, and in July the latter replaced Corry as Chancellor of the Irish Exchequer. Previous to his appointment he had behaved on several occasions in the House as if he already occupied the post, and in June he had brought in the Irish Budget, although he was not yet entitled to do so, to the great annoyance of the Irish Government and the surprise of members, who started a debate on the legality of his conduct. Lord Redesdale wrote to the Speaker: “I keep myself as much as I can out of the political world and heartily wish I had never become Chancellor of Ireland.”

The struggle was incessant and exhausting against the ignorance and apathy of the authorities at home; the misrepresentations of enemies, conducting a campaign of calumny, regardless of facts, to discredit the Administration; the jealousies and quarrels arising from the incompatible temperaments of the officials and the antagonistic forces at work among the people of the country. The Chancellor looked these facts squarely in the face and met them with courage and resource. But with all his kindness and anxiety to do whatever lay in his power for the

¹ B.M., Add. MS. 35717, f. 189.

benefit of the country and people in a sincere spirit of goodwill, as time passed on his experiences only intensified his distrust of the Irish character. He realized that, as a race, they were incapable of appreciating the form of government that he thought would most benefit them, which in its essence demanded a respect for law and authority. He hated with all his soul the clap-trap of unpractical visionaries, who, substituting emotion for reason, excited and misled an ignorant and impressionable people, always liable to mistake for signs of intellectual power the impassioned rhapsodies with which such men relieved their turbulent souls. He considered that Ireland's patriots, with their over-developed and morbid sense of national consciousness, were sacrificing her practical interests to sentimental ideas and aspirations.

The Chancellor thought that the statesmen in England, who were considered to have Ireland's interests most deeply at heart, were injuring her and embarrassing the Administration by their actions. He had no opinion of Lord Castlereagh. In August 1804 he wrote to Sir Evan Nepean: "Be on your guard against the profligacy of this country. Since I saw you I have had some specimens of that utter disregard for truth and what in England is called 'common honesty' of which I complained, and the morality of Lord C. does not rise higher than that of the generality of his countrymen."¹ He looked upon Castlereagh as generally hostile to the Irish Government and he told Marsden: "... I am possibly mistaken, but I judge from his language and conduct on different occasions, by both of which I think he has materially injured the Government and reduced it in some degree to the deplorable state of imbecility which tempts the kicks and cuffs

¹ *Ibid.*, 35754, f. 130.

of everyone who is disposed to treat it with contempt. I believe his Lordship is your friend and if I am wrong I should be very happy to be set right for I once had a very different opinion of Lord C."¹

Towards the close of the year difficulties and misunderstandings arose between the Chief Secretary, the Permanent Under-Secretary and the Chancellor of the Exchequer which made the management of Irish affairs still more difficult. Sir Evan Nepean had proved a disappointment: he was thought to take narrow views of large questions; to be jealous and uncommunicative and to listen to tale-bearers, with the idea of judging for himself instead of consulting officials who knew every detail of affairs. His relations with Marsden, with whom he had ceased discussing business matters, were particularly strained. He refused to disclose to the Under-Secretary information he had received from England relating to a threatened invasion and other important matters and Marsden was obliged to appeal to the Viceroy. The antagonism between them eventually became so acute that Lord Hardwicke wrote to Pitt informing him of "the very awkward and embarrassing situation in which we are placed with regard to public business in this country," and regretting that he might be obliged to request the Chief Secretary to withdraw till a successor was appointed, or to return to England himself.² A few days later the Viceroy discovered that Sir Evan had withheld from him all knowledge of an official communication made two months previously, to which he was committed without previous consultation or authority. He wrote at once privately to the Chancellor: "You have been so kind to me personally and, what is more important, have taken so much interest in what

¹ Dublin Record Office, 962/39.

² *Ibid.*, f. 26.

concerns the government of Ireland that I have the less scruple in consulting you upon a point which is of some consequence to both.”¹ He asked how far the Chief Secretary is warranted to act in the Viceroy’s name without his authority and also independently in reference to public bodies and individuals. Lord Hardwicke had no desire to be a mere figure-head. It was the old difficulty that had troubled the minds of a line of Viceroys and had often rendered their position so invidious and humiliating. It is much to be regretted that the Chancellor’s reply does not appear to have been preserved.

During the autumn the Roman Catholics held meetings to promote a petition to Parliament for further concessions. The Chancellor described the position in a letter to Spencer Perceval:

“Ardrin (Nr. Dublin).

25th Nov. 1804.

Our attention has been somewhat engaged of late by the meetings of the R.C.s in Dublin for the purpose of petitioning Parliament. The meetings have been promoted by some violent and ambitious men, who, having acquired large fortunes, outweigh the influence of the ancient nobility and gentry of their persuasion, and, like the merchants and bankers of France, are eager for measures which may possibly involve them in a similar fate. Lord Fingall and the moderate party are cyphers; although there has been some delay I have little doubt that the petition will be carried; that the delegates will be sent to England and the measure brought forward in Parliament. Scully was one of those who opposed the petition and I believe begins to be frightened at his own efforts to exasperate the Catholic mind against the Protestants. Mr. Parnell’s

¹ *Ibid.*, f. 92.

pamphlet states most truly that hatred of the English as conquerors is the true source of the disturbances of Ireland; that the landed property of the Protestants is the principal object with the mass of the people and that the question of Catholic emancipation, considered as a question of religious tolerance, as necessary from tenderness to the consciences of men, is a mere farce. That those who are the leaders aim at the repeal of the legislative union of Great Britain and Ireland, a separate legislature for Ireland, a new municipal government, founded on the system of the first French revolution—an independent Irish nation and a nominal King. Having established their separate royal democracy with the King of Great Britain nominally at its head, and all the power in the Roman Catholics, what will Ireland be to Great Britain and what security will the Protestants have for one moment for their property or lives? . . . I have sometimes doubted whether it would not be most *wise*, as a question of political wisdom, to give the R.C.s the establishment completely and deprive the Protestant possessors, unjust as it may appear to individuals, and I am convinced it would be *more safe* than *any* palliative. But reflection has induced me to think it much too unjust as well as too dangerous a measure to be hazarded; that if the R.C. religion should once more become the established religion of Ireland there would be no toleration of the Protestant, whatever might be the wishes of the Government or the Legislature, and that the utmost protection the Government could afford the Protestants would be to save their lives and perhaps their properties, if they would conform; and to sign for them new articles of Limerick—for such as chose to withdraw rather than conform”.¹

¹ *The Church Question in Ireland*, by D. Perceval. (Sir Spencer Walpole, *Life of Perceval* (1874).)

The hostility between the Viceroy and the Chief Secretary reached a climax by the discovery that Sir Evan Nepean had become the channel of a private correspondence between a section of the Irish Roman Catholics and the Prime Minister, on the understanding that the matter was to be kept secret from the Viceroy, the Chancellor and the Irish Privy Council. Sir Evan was dismissed early in January and Nicholas Vansittart was appointed in his place.

The political situation in England was exciting general interest in the spring of 1805. Addington had been created Viscount Sidmouth and Lord President of the Privy Council, and a month later grave accusations of speculation were brought against the Paymaster of the Navy and Lord Melville, who was charged with connivance. The affair was being widely discussed when Lord Redesdale arrived in London in March, and he wrote to the Viceroy on the general position:

“ . . . It has been very unfortunate for Mr. Pitt that his eyes were not sooner opened with respect to the general temper of the country on this subject. He, living unfortunately in one sense, the life of a recluse—I mean for observing the temper of the publick mind. He is become difficult of access and although he hears patiently when access has been obtained, if the time permits, yet his time is so swallowed up by urgent business that his leisure to attend to those who are not of his intimate society, is small; yet when they do gain admittance, and he listens to them, his sanguine temper leads him to hope that things are as he wishes them to be, rather than are. In proportion as he secludes himself from general society this temper increases and is more easily worked upon by those who endeavour to appropriate him to themselves. There are, unfortu-

nately, about him men of the same sanguine temper, without his judgment, his experience or his integrity; men who are themselves impracticable and who endeavour to make him equally impracticable. . . . With respect to your Excellency, should any change take place which could put you in a situation of acting under persons with whom you could not have complete intercourse, I would yet submit to your serious consideration, whether publick duty would not require you to remain where you are until you could properly be replaced. The line of conduct which I myself propose to pursue is founded on similar considerations. . . . I believe that I should much consult my private interests as well as my personal comforts by retiring from office and a residence in this country would be highly grateful to Lady Redesdale, who feels the separation from her family and friends very severely. But I shall think it my duty to sacrifice these considerations of private advantage and personal happiness to publick concern. If a complete overthrow of Ministers should happen. . . . I have little doubt that some person may wish to have an office which I shall very willingly quit".¹

Lord Hardwicke replied at once:

" . . . I most entirely concur in the opinion and advice which you have so kindly suggested. I should not propose to desire my recall at the present moment, unless I see . . . circumstances were tending to an early change, I should think it my duty to remain till the Government of the time found it convenient to appoint a person as successor, and at all events to give my opinion upon all points connected with the administration of affairs in Ireland in as frank and impartial a manner as to those who I should more properly consider my political friends. With respect

¹ B.M., Add. MS., 35758, f. 27.

to your Lordship's situation, I most earnestly hope for the sake of the publick service that no political changes may remove you from Ireland for a considerable time; for though I admit that you might confine yourself to your Court, yet I feel, from the experience of your uniform kindness and confidence that, as Chancellor of Ireland, the advantage to be derived from your assistance would be greatly indeed diminished by the necessity of such a determination. I trust, therefore, that no such necessity will arise; and that, whatever changes take place you will remain in Ireland in your present situation and upon a footing that would not be personally unpleasant to your own feelings, either upon private or public grounds. . . ."¹

Events moved quickly during the Chancellor's visit to London. Public attention was now divided between the charge against Lord Melville and a Petition for further concessions which a section of the Irish Roman Catholics were determined to present to Parliament. The English statesmen were free from religious fanaticism. They knew that without these warring elements the task of ruling Ireland would be comparatively simple and they strove to minimize the evil results of the mutual hatred between these pious and quarrelsome people, but the task was made much harder from the fact that in Ireland theological and political controversy was practically one. The Cabinet had requested the Viceroy to prevent the presentation of the Petition, if possible, and to support the action of Lord Fingall, who was using his influence on the side of reason and moderation. They foresaw the exciting effect a renewal of the controversy would have on the mind of the King and they dreaded another mental breakdown. They also deprecated any action which would

¹ *Ibid.*

inflame men's minds with religious controversies while the country was engaged in a great war and daily expecting invasion. The Roman Catholic clergy were holding aloof and it was stated that the petition was not supported by the signatures of any Irish Roman ecclesiastic. Lord Hardwicke had done his best but without success. The petitioners were determined to carry out their plan and their delegates arrived in London in March, headed by Lord Fingall, who hoped to be a restraining force in a situation he could not avert. They at once had an interview with Pitt, who refused to forward their petition and stated his reasons. The King, the British public, the vast majority of the Legislature and all the loyalists of Ireland considered that the granting of the demand would destroy the Constitution, and that therefore it was not in the power of the Government, even if they had the wish, to carry the matter through. In sympathy himself, he felt that this action would only injure and retard their cause, for many opponents who had hitherto remained silent would feel obliged to voice their objections. Privately he was also convinced that the whole affair had been contrived by the Opposition in order to harass him. Disappointed in Pitt's attitude, the delegates passed on to the Opposition and it was speedily settled that Charles Fox should present the petition in the Commons and Lord Grenville in the Lords. This was done on the 23rd March and the debate was fixed to take place after the Easter recess. Lord Redesdale felt that it was his duty to wait for both debate and division. He thought the Opposition would confine themselves to declamatory speeches on the subject and might not risk a division; there was a great deal of uneasiness in Dublin on that head.

But Dublin was not the only place where there was a

good deal of uneasiness. In England a campaign was started in the press; the Irish demands were denounced from numberless pulpits and platforms and petitions against them were organized in London and in different parts of the country. The English and Scotch Roman Catholics were perplexed and unsympathetic. Their Irish brethren were in a better position than themselves. Wide parliamentary suffrage had been granted to Ireland in 1793, but the English Roman Catholics were not enfranchised; they could rise to the rank of colonel in the Irish army, but in England they could only be privates; they could graduate in Dublin university but were excluded from Oxford and Cambridge. The Viceroy was distressed and anxious. He was always glad to compromise as graciously and with as little argument as possible when it could be done with honour, but he had to obey orders from England. The Chancellor's legal mind was accustomed to face and reason out a question to its finish with a scholarly precision of thought, word and judgment, and he felt that the welfare of Ireland was at stake. He therefore remained in London, determined to speak out strongly. He knew that the whole force of the Irish Roman Catholic Church would be turned against him on his return, but he was the last man to shirk what he felt to be his duty, or to purchase popularity by pandering to popular prejudices; so he cleared the decks, nailed his colours to the mast, and fearlessly faced the storm. The debate began on the 10th May.

In his strong condemnation of the Irish clergy of the Roman Catholic Church, the Chancellor also voiced the experience of practically all the Government officials in Ireland at that time. Public and private records amply bear out the statements he made. On the other hand

there are instances of the clergy of both churches living in perfect friendliness in the same neighbourhood, of the bishops and priests doing their utmost to maintain peace in the country, and of the Irish Government receiving warnings from the local Roman Catholic clergy when disturbances were expected.

The Chancellor's speech was the outstanding feature of the debate. It was greatly applauded and fiercely condemned and was widely reported by the press. The debate was continued on Monday the 13th, when the Chancellor replied to criticism and stated that he had no intention of withdrawing any of his assertions. The motion to receive the Petition was defeated. The Houses adjourned at six o'clock on Tuesday morning and the Chancellor returned to Ireland two days later.

CHAPTER X

IT would be a pleasant task to record even a few satisfactory and encouraging events to hearten the English officials in the Irish history of the time with which we are dealing, but in truth it has been impossible to find any. The Irish Executive was anxious to carry on the government of the country in as conciliatory a spirit as possible, but they found themselves beset on all sides with difficulties which were none of their making. Malicious falsehoods, spread broadcast by vindictive men who had failed to obtain coveted posts; organized and insolent opposition offered to reasonable and courteous requests; misunderstandings with the British Cabinet; anxieties occasioned by the war—all combined to make the life of a high English official in Ireland one of extraordinary perplexity and embarrassment. It was up-hill work for Lord Redesdale. As time passed on, the Viceroy, weary and depressed, and yearning for England and home, depended more and more upon his Chancellor's judgment, whenever questions of peculiar difficulty arose. Lord Redesdale bore, therefore, a double burden; his own arduous and responsible duties taxed all his strength and he, too, turned with longing thoughts to his country, his family and friends. But the end was not yet.

Lord Redesdale realized the great importance of cordial relations between the Viceroy and the Chief Secretary without which nothing could be satisfactorily carried on in Ireland. William Wickham had been a tower of strength; great things had been hoped of Evan Nepean,

but his conduct had placed the Lord Lieutenant in a position which had taxed all the Chancellor's tact and patience. Now came Nicholas Vansittart.

The new Chief Secretary was the Chancellor's junior by eighteen years and had also been educated at Gilpin's celebrated school at Cheam. He was an honourable and gentle man of ordinary abilities, quite unable to cope successfully with the warring and masterful personalities by whom he was surrounded. It is only necessary to read the confidential letters and secret papers of the time to realize how low was the standard of honour among the men with whom the Irish Government had to deal in those unhappy days, and the Chancellor was determined that Vansittart should not start on his new duties without a preliminary warning. Therefore a few days after his return from London he wrote to the Chief Secretary defining the position, as it appeared to him:

"Private and Confidential.

24th May, 1805.

Dear Sir,

. . . We found the Wickhams very well and very anxious to afford you every information. Indeed, I must wish you to see Mr. Wickham again and learn clearly from him what was the situation of Chief Secretary before Mr. F. was Chancellor of the Exchequer. It is considered here that that gentleman is determined to make your office a mere nullity. His conduct with respect to the road bill has raised considerable sensation and I think you will find it absolutely necessary to take some means of preventing the passing of Irish bills without your concurrence. I think the Speaker would manage for you in the Commons and Lord Walsingham in the Lords. Our Bishops resident here are quite indignant about the conduct of Foster and Duigenan, who have completely duped the Primate on

the subject of the First Fruits bill. It is, I think, the grossest insult to the Lord Lieutenant, to the Board of First Fruits and to me personally, that can be imagined. I have written to Lord Walsingham to desire that he will not permit Irish bills to be hurried through the Lords without communication with the Government here; and at the request of the Chief Justice and some of the Bishops I have particularly desired that no bill affecting the Church or the Administration of Justice may be passed without its being transmitted here, that persons informed upon the subject may judge of it. The Curates bill, I find, gives great offence to the Bishops, not the slightest attention having been paid to them on the subject. The bill to change the Jurisdiction in small debts gave the same offence to the Judges. But serious mischief may arise from the passing of such bills without the knowledge of the only persons likely to be well informed on the subject, and particularly in the administration of justice. The two most active men in the Church, the Archbishop of Cashel and Bishop of Derry, and indeed the whole of the active men on the Bench are highly offended. In truth, my dear Sir, the Irish Government is clearly sinking into a state of contempt from which it will require considerable exertions to [word illegible] it. We understand here that Jonah Barrington, the most notorious of the 'quam dius' as they were called, has got a *promise* from *somebody* for a large permanent salary. Instead of increase of salary, his office ought to be abolished as a great nuisance. The Speaker will give you some intimations on this subject; and unless some restraint can be put upon the rapacity of his officers, the trade of Ireland will be ruined. Surely this was a subject with which Mr. Foster has nothing to do, and with which the Lord Lieutenant is importantly concerned. This proceeding, with many others, tend so much to disgust Lord Hardwicke, that I think you will find him much out of humour.

I know that great activity will be necessary on your part to counteract the manoeuvres of Mr. F. and the junto who are always endeavouring to govern Ireland in England. That junto you are, perhaps, not fully acquainted with, but you will find it hovering round Mr. F. and forwarding all his measures and abusing the Lord Lieutenant's administration". [After remarks on the dismissal of a subordinate official and on the position of the Churches, quoted elsewhere, he continues.] "Under these circumstances, my dear Sir, you have a difficult task. I have given you very confidentially a desultory state of views I have formed from what I have formerly observed and what I now see. You must judge whether the information I give you can be of use.

One thing I beg you to recollect—that want of regard for truth is a most common fault of Irish character and that you cannot trust one word which falls from such men as Foster, Barrington, Ormsby, Lord Limerick, etc. They will tell you any falsehood to deceive you and only laugh at you when detected".¹

Vansittart seems to have been genuinely anxious to do his best, but he was placed in an impossible position and his actions on several occasions caused so much displeasure to the Viceroy, who greatly resented the ignominious position in which he was being placed, that the Chancellor, now seriously annoyed and very anxious, wrote again to the Chief Secretary, this time in stronger terms:

"Ardrin.

17 June 1805.

Private.

My dear Sir,

I should not discharge the duty of private friendship if I did not intimate to you that it is manifest His Excel-

¹ *Ibid.*, 31229, f. 237.

lency does not consider you as acting with that degree of attention to him, in opposition to Mr. Foster, which he thinks he has a right to expect from his secretary. It is manifest that Mr. Foster is aiming to degrade the office of Lord Lieutenant and to draw to himself all the power and influence of the country. You will yourself feel this in a most mortifying degree whenever you shall come to this country. You will find yourself a mere cypher compared to what Mr. Wickham was and Sir Evan Nepean might have been. . . . Every man sees plainly that the office of Lord Lieutenant is to be reduced to a cypher, preparatory probably to its abolishment, and every man who knows this country, and thinks without personal views, dreads the consequences. For myself, I have little now to consider. When I took the office I hold, I put the question to Lord Sidmouth and declared that I would not take it if the office of Lord Lieutenant was to be abolished. It is of little consequence whether it is abolished or not if it is to be reduced to nothing. Unless, therefore, a different system be pursued, I shall request permission to retire from a country which I shall consider as devoted to destruction".¹

These remonstrances and instructions were taken in good part. Vansittart wrote a confidential letter² to the Viceroy, explaining the difficulties he was encountering, not least among them being the impossibility of obtaining an audience with Pitt, whose working hours were entirely occupied with the Cabinet and the House of Commons. It is probable that the Chief Secretary and the Irish Government, engrossed as they were with their own trouble, did not make sufficient allowance for the overwhelming anxieties which the Prime Minister was facing. The part

¹ *Ibid.*, 31230, f. 49.

² *Ibid.*, 35760, f. 112.

he had been obliged to take in the inquiries regarding his friend, Lord Melville, had caused him almost unbearable suffering, which was patent to all and awoke universal pity. It was a time of great confusion and exceptional dangers; England lived in daily dread of invasion, and the foreign problems that were confronting the Prime Minister, whose sands of life were fast running out, were probably unexampled in magnitude. It was but natural that he should look upon these everlasting Irish squabbles as exasperating incidents with which he had no time or health to deal.

This, however, was not at all how the case presented itself to the harassed minds of the English officials in Ireland and they were highly indignant at their treatment.

Lord Hardwicke felt he could bear the strain no longer and in July he determined to resign.

This time the Chancellor did not attempt to dissuade the Viceroy, but he deeply regretted the loss of his friend. He replied with the suggestion that, in spite of all provocation "your Excellency should be steadily firm and correct in your conduct that your successor may not have it to say that you did not endeavour to relieve him from difficulties."

The Parliamentary Session closed on the 12th July. Foster had tendered his resignation owing to his strained relations with the Viceroy and to the criticism which had been made during the Session on his actions with regard to Irish finance—a subject of extraordinary intricacy and difficulty. "I doubt Mr. Foster's giving up his situation if he can avoid it," the Chancellor wrote to the Viceroy, "but Mr. V. can do without him; I think it would be wrong in permitting him to retract his resignation. In my opinion it would be the best way to annex the office

of Chancellor of the Exchequer with that of Chief Secretary." Pitt, however, refused to accept Foster's resignation.

Early in September the Chancellor took an official tour through Northern Ireland, accompanied by his wife, and on the 11th Lady Redesdale's boy was born unexpectedly at Portrush. All being well, Lord Redesdale at once returned to his duties. Irish affairs were then in a critical state. Nicholas Vansittart had resigned. His ignorance of the work connected with his office and the difficulties that surrounded him on every side were considered valid reasons. Ireland required a man of strong character as Chief Secretary and Vansittart was not that. The name of Charles Long was brought forward as his successor, whom the Viceroy had suggested fourteen months before. Both Pitt and Sidmouth looked upon him as a tried and trusted servant and he was also a great friend of Lord Redesdale's, to whom the Viceroy wrote when his appointment was mooted: "I am particularly happy to learn that the appointment of Mr. Long to be Chief Secretary is in contemplation," and the Chancellor replied from Portrush: "I hope your Excellency will press his very early arrival in Dublin as I am persuaded it is of the utmost importance." Referring to the attitude of British Ministers, he continued: "I am afraid they listen too much to Lord Castlereagh, Lord Camden, Lord Westmoreland, etc. If I had not thought those men ignorant of the true state of Ireland before my tour, what I have learnt since would have convinced me of their ignorance. It is scarcely possible to conceive how very unpopular Lord Castlereagh and his family are in these parts."

In England war clouds still hung heavy over the land. Napoleon was with the French Army at Boulogne, eagerly watching for the great fleet he had prepared and whose

arrival was to be the first step towards the annihilation of the hated race across the strip of ocean—the only power that stood between him and his world-conquering ambition. But he looked for his fleet in vain. Familiarized, though we now are, with the horrors of a great conflict, it is not difficult to realize the long-drawn agony of Europe at this time, which Lord Rosebery, in his book on Pitt, had described as “the greatest epoch in history since the coming of Christ.”¹ One man, with his country behind him, stood between Napoleon and the complete ruin of Europe. Small wonder that the dying Pitt had no time or strength for Irish affairs.

A libel action in which the Viceroy and the Chancellor were primarily concerned, and which had been dragging on for two years, was finally settled at the close of 1805. On the 11th November 1803 a letter on Irish affairs, one of four signed “Juverna,” appeared in Cobbett’s *Political Register* and it caused great excitement in Ireland. It slandered the chief members of the Irish Government, and the Viceroy and Chancellor were signalled out for abuse in a peculiarly offensive manner. At first Lord Redesdale desired that no notice should be taken of the attack on himself.

“‘I have read Mr. Cobbett,’ he wrote on the 17th December to his brother-in-law, Spencer Perceval, at that time Attorney-General, ‘and I have not a moment’s hesitation in desiring that no prosecution may be attempted on the libel. If my character here will not bear down such a paltry attempt to injure it, it is not worth preserving. But of all things I should be sorry to have you the prosecutor’”.²

¹ Lord Rosebery, *Life of Pitt* (1891), p. 286.

² Sir Spenser Walpole, *Life of Perceval* (1874), I. 120.

Perceval consulted Lord Chancellor Eldon and the Prime Minister (Addington): they both agreed that it was a matter for the British Government to decide. The question was brought up before the Cabinet; it was determined that such outrageous statements regarding the conduct of the highest officials in Ireland could not be ignored, and that a State prosecution was necessary. The Chancellor, who by this time had studied the letter very carefully, had decided that the author was one of the Irish Judges, a man who had long been troublesome to the Administration. This put a different complexion on the whole matter; the honour of the Bench was now in question, and as it was the Chancellor's earnest and ceaseless endeavour to purify and uplift the whole judicial system in Ireland he came to the conclusion that the Cabinet was right and the law must take its course. Had the libel only concerned himself he would have ignored it, with his characteristic dignity and good sense.

The trial of William Cobbett by a special jury for publishing libels on the Viceroy, the Lord Chancellor the Hon. Francis Osborne, one of the Justices of the Court of King's Bench, and Alexander Marsden, was held before Lord Ellenborough, the Lord Chief Justice of the Court of King's Bench at Westminster on 24th May 1804. The Attorney-General, the Solicitor-General (Manners Sutton, afterwards Lord Manners and Lord Chancellor of Ireland) and Erskine appeared for the Crown.¹

The article which formed the subject of the libel is too long for insertion here. It is almost incredible that any editor, however malicious and debased, should have run the risk of publishing such false and vindictive trash against

¹ T. B. Howell's *State Trials*, Vol. 29.

important state officials. The Attorney-General, in addressing the Court, referred to the libel on Lord Redesdale as one of the most scandalous that had ever come before an English jury. It charged the Chancellor with having improperly introduced Mr. Plunket, the Solicitor-General of Ireland, into the Government of the country and that he had corruptly ordered the fees of the Secretary of the Master of the Rolls to be given to his own secretary the better to enable him to pension an unknown annuitant.

After a hearing of more than five hours and a deliberation of less than ten minutes, Cobbett was found guilty, but he did not receive sentence on the conviction, for the Attorney-General was inclined to wait until the author had been traced. At first Cobbett refused to give up the original manuscript, but eventually he unconditionally delivered it to Perceval, trusting to the lenity of the Attorney-General. It was sent to the Secretary of State (Charles Yorke), who allowed Marsden to take a facsimile impression of one of the pages. In a letter to Perceval the Chancellor remarked: "It is extremely important to fix the letters under the signature of Juverna on their author, if that author be the person suspected. That a person of the disposition manifested by those letters should be in the situation of the supposed author must be dangerous to any Government."¹

There was no doubt in the minds of the Irish officials that the author of the libel was Robert Johnson, who in June 1801 had been made a judge of the Court of Common Pleas in fulfilment of one of the Union Engagements. The brothers William and Robert Johnson, ambitious sons of a respectable apothecary, had been amongst the most avaricious and pertinacious place-hunters with whom

¹ *Life of Perceval* (op. cit.), I. 120.

the Irish Government had had to deal, and their ceaseless requests for promotion had been a source of great annoyance to both the Viceroy and the Chancellor. Robert Johnson seems to have been much disliked by the members of his profession. Jonah Barrington describes him as an "Acute, well-read man, neither good-natured in manner nor gentlemanly in appearance," and R. L. Sheil considered him as one of the ablest men in Ireland, "calm, ironical, biting, and sarcastic, and uses shafts of the finest temper, steeped in venom."¹ Certain habits made him generally unpopular and he was most arrogant. A few days after Cobbett's trial, Lord Hardwicke wrote to Charles Yorke:

"There is something so base, corrupt and dishonourable in the conduct of Judge Johnson and he is so generally supposed in this country to have written the letters signed 'Juverna' that nothing would afford so much satisfaction to the whole Bar, from the Chief Justice to the youngest barrister, as the proof of the fact".²

Johnson showed great reluctance to meet the charges against him and denied all knowledge of the authorship of the letters, but the best brains in the English and Irish Governments were on his track. Four witnesses swore that the original libel was in his handwriting and his guilt was proved beyond a doubt. On the 18th January he was arrested at his house near Dublin and the following day he was brought up before the Lord Chief Justice, assisted by six of the other judges. The proceedings in Dublin were long and technical and it was not till the 23rd November that he was tried at the Bar of the Court of King's Bench,

¹ R. L. Sheil, *Sketches, Legal and Political* (1855), II. 244.

² B.M., Add. MS. 35706, f. 53.

Westminster, before a special jury of the County of Middlesex. The case commenced at ten o'clock in the morning and concluded at nine o'clock at night; it created great interest, and the court was crowded the whole time. The Attorney-General remarked that the defence was almost as scandalous as the libel itself. After an absence of a quarter of an hour the jury found the prisoner guilty. Robert Johnson was given a pension for life "to prevent his family being involved in distress," and brother William stepped joyfully into his place.

CHAPTER XI

PITT died on the 23rd January 1806. Spencer Perceval had told his brother-in-law that the end was very near and the Chancellor was under no illusion as to his own fate in that event. Before the news reached Dublin, he remarked in a letter to Lord Hardwicke: "In the present situation of affairs, it seems to me not improbable that I shall have to follow your Excellency to England as I do not imagine either Mr. Fox or Lord Grenville will be disposed to suffer me to remain in office."

The Ministry of all the Talents was formed, with Lord Grenville as First Lord of the Treasury and Charles Fox as Foreign Secretary. Lord Sidmouth, as Privy Seal, represented the Tories: Lord Spencer became Home Secretary, Lord Erskine succeeded Lord Eldon and Lord Ellenborough was Lord Chief Justice. Six days after Pitt's death Lord Colchester noted in his diary:

"It is intended to recall Lord Redesdale".

Wild rumours were afloat in Ireland regarding the change of officials and names were freely mentioned. The Irish Executive had been informed that the Duke of Bedford was to be Viceroy. It was expected that the new Government would at once reverse the policy of their predecessors and conciliate the Roman Catholics by granting their claims and that the chief opponents to these measures would be recalled. Lord Redesdale, still in ignorance that his fate had been decided, wrote to Lord Hardwicke: "We shall soon meet in England and I hope that the

friendship with which your Excellency and Lady Hardwicke honoured us here will not be lost in another country."

The following day the *Dublin Evening Post* published the statement, derived from the *English Star*, that George Ponsonby was to succeed Lord Redesdale as Lord Chancellor of Ireland, and it was also rumoured everywhere that Curran was to be attorney-General. The prospect of these appointments was profoundly disturbing to the Castle authorities, by whom Ponsonby and Curran were well known and unappreciated. Marsden wrote anxiously to Lord Hardwicke: "The new campaign is now entered upon. Has your Excellency considered what you will do if they ask you to recommend Ponsonby and Curran?"¹ Lord Redesdale was placed in a difficult position. He was willing, nay, anxious to relinquish his post and to return to England, where he hoped to regain his health and spirits. He had only consented to take the post of Irish Lord Chancellor at the earnest entreaty of Lord Sidmouth (then Prime Minister Addington) enforced by the desire of the King and Cabinet, upon its being represented to him that there was no instance of a Chancellor of Ireland having been removed on a change of Ministers. It was a contingency he had anticipated from the first and had endeavoured to guard against, and he therefore considered he had a just cause of complaint at being recalled by a Cabinet of which Lord Sidmouth formed part. Ill as he was at the time, and knowing nothing except the rumours that were current everywhere, he endeavoured to dispose of all business that awaited his decision "so that the parties may be put to no additional expense." He was well aware that by resigning he would save the Cabinet the embarrass-

¹ *Ibid.*, 35727, f. 63.

ment of recalling him, but this he had no intention of doing.

The following day Lord Hardwicke received official intelligence that the recall of Lord Redesdale had been decided upon and that George Ponsonby was to succeed him. This decision was due to the influence of Fox in the Cabinet, who in a letter to Mr. Ryan, an influential Roman Catholic merchant of Dublin, said: (18. 2. 1806) "Measures are actually taken by the removal of Lord Redesdale, Mr. Foster and others to shew the good intentions of the Ministry towards your body."¹ Pitt had been convinced that the ardent advocacy of the Roman Catholic claims by Fox and the Opposition had been merely adopted as a means of embarrassing the Government without any solid basis of conviction, and Lord Redesdale shared his opinion. Ponsonby's character was well known. He was a notorious place-hunter, though adverse to work of any description. Fox had long ago been informed of his failings, for Grattan, writing to him at the close of 1803, says: "At the same time, with excellent understanding and fine powers (this is confidential) Ponsonby is lazy . . . he loves his ease, his bed, and is tired of the Parliamentary battle."² His laziness seems to have been excessive, for this failing, so disastrous in one holding an office where the work is unusually responsible and arduous, is referred to and condemned by many Irish writers when dealing with that time. And this was the man whom a Cabinet professing themselves solicitous for the welfare of Ireland appointed to supersede one whose integrity and impartial discharge of his duties had been acknowledged with gratitude by friend and foe alike, and

¹ H. Grattan (Jnr.), *Life and Times of Henry Grattan* (1839-46), V. 295.

² *Ibid.*, V. 240.

who in three years had become the admiration of the Irish Bar.

It was Lord Hardwicke's ill fate to acquaint his friend with the decision of the Cabinet regarding him and the dignity, restraint, and absence of all bitterness with which he received the news could not fail to impress even his enemies.

The English Cabinet professed themselves anxious that the recall of Lord Redesdale should only be considered a step towards conciliating the Irish Roman Catholics, and not in any way due to deficiencies on his part, which it would have been impossible to substantiate, but at the same time nothing was left undone to humiliate and annoy him. The Dublin papers published a report of his death on the day he transacted business in the Court of Chancery. Three days later, and after he had received official notice of his recall, it was announced that he had been informed from London that his resignation of the Irish Seals would be accepted. He was well known to be the most influential man in the country and these items of news set all men talking. There was general regret among the loyalists, and all who desired the fearless administration of the law.

Lord Spencer informed Lord Hardwicke that he proposed to advise the King to issue a Royal Warrant for placing the Great Seal of Ireland in the hands of Commissioners until it was possible for Ponsonby to return to Ireland, which, it was explained, he could not do immediately without considerable inconvenience to the public service, as his presence in England was urgently needed to discuss matters relating to Ireland with His Majesty's confidential servants. Lord Spencer named the Lord Chief Justice of the King's Bench, the Master of the Rolls and

the Chief Baron of the Exchequer as the persons he intended to suggest to the King and to whom he desired the Chancellor to deliver the Great Seal.

Ponsonby, with a keen eye to his own interests, was at that time actively occupied in endeavouring to retain his seat in the House of Commons though Chancellor of Ireland, and Charles Long was of opinion that he intended to remain in London for the discussion of his case. His behaviour to Lord Redesdale was outwardly friendly and courteous, but from his subsequent conduct it is difficult to avoid the suspicion that Lord Clare's "malevolent knave" had a share in the appointment of the Commissioners. He had been plotting and scheming for advancement for many years and the Lord Chancellorship of Ireland was a prize worth having at all costs, even if the cost included the public humiliation of a man in failing health, universally respected by the best elements in Irish life, who had served his King with such ability and whole-hearted devotion. When it suited his purpose, George Ponsonby spared no one.

The Chancellor had already announced in his Court that he could only hear such causes as had been in part discussed before him and such motions as were of an urgent nature as his continuance in office would not be of long duration. On the receipt of Lord Spencer's letter, however, he was anxious to resign immediately, but Marsden was of opinion that he could not do so until the Commissioners were appointed, as the Great Seal must not be put out of operation. Lord Hardwicke, therefore, urged him to remain at his post for the present. The omission of Lord Norbury's name from the list of Commissioners excited great surprise and was regarded by his lordship

as a personal affront. In London there was much comment at the manner in which the high officials in Ireland were being treated by the Government.

The Court was crowded when Lord Redesdale took leave of the Irish Bar on Monday, the 5th of March, "in terms of affectionate kindness which deeply affected everyone present." He had already received a complimentary address which had been widely signed by the gentlemen of the Bar. It is to be regretted that an authorized version of his farewell speech, and the reply thereto, have not been found among the papers to which the writer has had access. It is here reproduced as published sixty-four years later in O'Flanagan's *Chancellors of Ireland*, where no reference is given as to the source from which it is taken. After the business of the day was over the Chancellor is reported to have said:

"I must now take my leave. When I came to this country, I thought I should probably pass the remainder of my days here. With that view I formed an establishment, and I proudly hoped to have lived amongst you and to have died amongst you; but that has not been permitted. To the gentlemen of the Bar, I have the greatest obligations. I came amongst them a stranger. I have experienced from them every kindness; and, I must say, I could not have left a Bar with whom I could have lived in habits of more cordial intercourse. Perhaps I may (on some occasions I am aware that I must) have used expressions which appeared harsh at the moment; but I trust they were only such as were suited to the occasion. My design was not to hurt the feelings of any; and, if I have done so, I am truly sorry for it. I wish to depart in peace and good will with all.

To the officers and practitioners of the Court I must say, that though with respect to a very few of the latter I have had occasion to animadvert with some severity, their conduct in general has been highly satisfactory. As to the officers of the Court, they have all, in their several stations, endeavoured to assist me to the utmost of their power; they have materially done so, and I owe them sincere thanks.

It would have been my wish to have continued to sit until the gentleman who has been named to succeed me should have arrived. I believe it was his wish also, and I have every reason to think so; and from him I have experienced every degree of politeness and attention. I am sorry that other persons should have thought me unworthy to have been entrusted with the Seal during the interval. What can occasion this (which I cannot but consider as a personal insult), I am unable to guess; but I have been informed that a peremptory order has come to the Lord Lieutenant not to suffer a moment to elapse in preventing the Great Seal from longer remaining in my hands. I know not whence this jealousy of me has arisen, or how my continuing to act in the Court of Chancery (for I could make no other use of the Seal, but under the warrant of his Excellency) could interfere with any views of His Majesty's Ministers.

I am proudly conscious of having discharged the duties of my station with honesty and integrity to the utmost of my ability. For the office I care not, except so far as it afforded me the opportunity of discharging conscientiously an important public duty. It was unsought for by me: I came here much against my will; I came here from a high situation in England, where I was living amongst my old friends and in the midst of my family. But I was told that I owed it to public duty and to private friendship to accept the office, and I yielded. I yielded to the sollicita-

tions of some of those who have concurred in my removal. This, I own, is what I did not expect, and what I was not prepared to hear.

But I feel most of all, that so little consideration has been shewn for the public business and the interests of the suitors of this Court. You must all know the avocations of those who have been named as Commissioners. The Master of the Rolls has already as much business as he can conveniently discharge; the Lord Chief Justice and the Lord Chief Baron have their several avocations, which must prevent their attendance in the Court of Chancery. I am extremely sorry that a great deal of business will, in consequence, be left undone which ought to have been disposed of before the rising of the Court; but so it has been thought fit.

And now I have only to say, that in returning to the country from whence I came, I shall be most happy if it should ever be in my power to be of service to Ireland. Ireland will always have a claim on me. Had I continued in the Commons House of Parliament, I might have been able to do much service; in the other House that power is much lessened, but such as it is this country may ever command it.

To this country I have the highest sense of obligation; I do not know that in a single instance I have experienced anything but kindness. I have experienced it from all ranks of people without exception. Under these circumstances, I retire with a firm conviction that you will do me the justice to say that I have discharged my duty with honest and conscientious zeal, to the extent of my abilities; and that, on this head, I have nothing with which to reproach myself."¹

¹ J. R. O'Flanagan, *Lives of the Lord Chancellors . . . of Ireland* (1870), II. 307-9.

We are told that the Chancellor's speech, delivered in a feeling and dignified manner, was listened to with great sympathy and respect. It was replied to by the Attorney-General, the Right Hon. Standish O'Grady:

"Having had an opportunity of communicating with a great majority of the gentlemen of the Bar who have practised in the Court of Chancery while your Lordship has presided, I feel myself authorized to express their sentiments on this occasion.

We have a just sense, my Lord, of those endowments which have so eminently qualified you to preside in a Court of Equity. While your impartial attention has secured to the honest suitor the full investigation of his claims, your sagacity and patience have taken away from fraud all hope of impunity and all pretext for complaint. We return your Lordship our thanks for the instruction we have received in attending to the series of decisions by which, during a period of four years, you have advanced the science we profess. But most particularly, and from our hearts, we beg leave to make our grateful acknowledgments for the uniform courtesy and kindness which we have experienced from you in the discharge of our duty at your Lordship's Bar".¹

¹ *Ibid.*, p. 309.

CHAPTER XII

SHORTLY before Lord Redesdale's recall a difficulty arose with Lord Cloncurry over the latter's request to be made a magistrate of the counties of Dublin and Kildare. This incident, trivial in itself, has been misrepresented by Lord Cloncurry in his *Memoirs*; but little harm would have resulted had the book not been regarded as an authoritative source of information on the Irish history of the time and widely referred to in the notices of Lord Redesdale's Chancellorship. It is also given among the list of authorities for the biography of Lord Redesdale in the *Dictionary of National Biography*. As letters are now available which throw a different light on the subject, it appears necessary, in dealing with the Chancellor's work in Ireland, to devote to it more than a passing notice, which is all it really deserves.

Lord Cloncurry is looked upon in the light of a hero and martyr by many of his own countrymen, who lavish praises on his virtues and attainments. Fitzpatrick, in his *Life of Lord Cloncurry*,¹ tells us that "perhaps no life of the last generation except O'Connell's has so wide an historical interest." This is high praise. A short account of the career of the man whose conduct brought upon him the censure of the English Government and finally his imprisonment for two years in the Tower of London, and against whose pretensions the Irish Chancellor made so decided a stand, appears therefore to be necessary.

¹ W. J. Fitzpatrick, *Life, Times, and Contemporaries of Lord Cloncurry* (1855).

On the 19th August 1773 an infant was born bearing the ominous name of Lawless. He was christened Valentine. His grandfather, "a poor, forlorn, moneyless mountaineer" became a woollen draper in Dublin and further improved the family fortunes by marrying his son to the daughter of an opulent brewer, with the unfortunate result that his "bearing became haughty and imperious." He turned Protestant, and was thus enabled to hold property in his country, and he played a large part in the civic life of Dublin. He was a great supporter of Pitt and the Union and was given a peerage with the title of Lord Cloncurry—one of the three peerages that Grattan and Ponsonby offered to prove had been bought by their recipients.

From his early days Valentine's progress through life was marked by vicissitudes. He seems to have had a genius for rousing feelings of intense dislike and for leaving behind him a trail of irritations. At the age of twenty-two he went to London to study law and at a dinner party he met a "little, cock-nosed, gouty toper" whom he discovered to be the Right Honourable William Pitt and who, "probably when under the influence of wine," divulged a great Cabinet secret, no less than the plans for a union between England and Ireland.¹ Valentine tells us that he "saw the grave yawning to receive his bleeding country and England in the distance, making preparations for the burial." So, with a palpitating heart, he retired from the world and wrote a pamphlet called *Thoughts on the Projected Union* (1797). We learn that "from that hour the eagle eye of the Castle detective clung to him unceasingly."

While in London this boy of twenty-two aired his immature opinions on every possible occasion and he

¹ W. J. Fitzpatrick, *Life . . . of Lord Cloncurry* (1855), pp. 96-7.

always appeared in public in "the colour of the true", even to his neckerchief and stockings. His associates seem to have been a motley crowd. An acquaintance with Horne Tooke began with a quarrel, Tooke suddenly breaking into a violent attack upon him; another of his boon companions was Colonel Despard, afterwards executed for high treason. He began to take an active share in the Irish politics of the day and spent much of his time with his "beloved friend" Lord Edward Fitzgerald, the elder Emmet, Curran, George Ponsonby and other kindred spirits. In 1797 he was elected to the Executive Committee of the United Irish Society, and he helped to prepare a petition from Kildare against the Union and presided at a meeting in connection with it which had been forbidden by Government. He also went on a deputation to his friends Grattan, Curran and George Ponsonby to beg them to "discontinue the mischievous mockery of attending Parliament."

These proceedings infuriated his father, who insisted upon his return to London and his studies. He then became an active agent of the Society of United Irishmen in England. On the 7th May 1798 he was arrested and the Irish Rebellion took place without him. He was brought before the Privy Council, who leniently regarded his activities in the light of the foolish proceedings of a conceited boy, and considering that his conduct had been indiscreet rather than treasonable, told him that his father was very angry with him and let him go. Lord Cloncurry had by this time taken an intense dislike to his son and had forbidden him to return to Ireland. He remained in London, where he was again arrested, under the authority of the Habeas Corpus Suspension Act, on "suspicion of treasonable practices" and after another interview with the Privy

Council he was sent to the Tower. Valentine's fury at his treatment knew no bounds: "I," he exclaims, "the immediate heir to a peerage, having numerous and influential friends and not unprovided with pecuniary means, in the heart of the metropolis of British freedom, incarcerated in a filthy, loathsome cell, deprived of the use of pen and paper, was finally dismissed from prison without charge against me or reparation offered for monstrous insults!" In his letters to his sister and friends, however, he tells them he had a good airy room, writing materials, books to read and leave to walk about the Tower. During his imprisonment his father died and left away from his heir a sum of between sixty and seventy thousand pounds.

A constant stream of complaints flowed from young Cloncurry to the Government, but his visitors deplored his ill-humour and resentment. He wrote letters to Pitt and the Public and sent them to his sister, who considered them so intemperate that she decided to suppress them. A memorial to the Privy Council merely elicited the reply that his liberation was not considered advisable. The expiration of the suspension of the Habeas Corpus Act (March 1801) set him free and he at once began proceedings for false imprisonment against Pitt and the Duke of Portland, but a Bill was passed indemnifying them from all consequences of their action. He returned to Ireland, landing on the day of Lord Clare's funeral, which was disturbed by a turbulent mob. "But," says our hero, "no sooner had the Countess of Clare heard of my arrival than she appealed to me for assistance and entreated that I would protect her house by my presence." We are told that he merely showed himself to the crowd and order was at once restored.

Lord Cloncurry found Ireland "a miserable province,"

her social system a mass of rottenness and decay; he therefore determined to leave the country. At Nice he met Elizabeth Morgan, a girl barely sixteen, whom he married the following spring. At the time of the Emmet rebellion he was in Paris, where he found many kindred spirits in the colony of disaffected and plotting Irishmen assembled there. He was probably well aware of Emmet's plans, for the brothers dined with him on the eve of Robert Emmet's departure for Ireland. He spent over two years in Italy. In Rome he made many friends among the cardinals and, we are told, obtained a considerable influence over the Pope, from whom he parted with many mutual expressions of esteem and regret. While in Rome he succeeded in getting acquainted with Anne, Duchess of Cumberland, a sister of the King of the hated English, by suggesting to the authorities that a guard of honour should be stationed outside her hotel. The delighted Duchess immediately offered to be godmother to his newly-born son, on condition that the boy was named "(Valentine) Anne." This, we read, was the happiest time of Cloncurry's life; he was basking in the smiles of Pope, cardinals and royal duchesses; the Tower of London, with its grim associations, ceased to rankle, and he tells us that he "nestled into the pleasures given him by God."

The claims of his country, however, could not be disregarded and in November 1805 Cloncurry returned to Ireland. He wept as he contemplated his native land and he vowed that he, at all events, by his noble example, would "check the vast outflow of aristocracy." He now came in contact with the vigorous personality of the Lord Chancellor. The battle began at once. The family lawyer wrote to Lord Redesdale's secretary, announcing

that Lord Cloncurry was ready to accept a Commission of the Peace. No notice was taken of this communication. He wrote again, this time to the Chancellor, who sent a reply, published in Lord Cloncurry's *Memoirs*;¹ which, however, have been proved inaccurate in various particulars.

This letter seems to have been followed by an interview between Lord Redesdale and Lord Cloncurry. The Chancellor was anxious that the matter should stand over until his successor arrived and he wrote to the Viceroy to that effect.

Lord Cloncurry makes no reference to this meeting in his *Memoirs*, but a long letter from him to the Chancellor, dated 27th February, is inserted, extracts from which are here given. There is a discrepancy between Cloncurry's statements and the official letters which passed between the Viceroy, the Chancellor and the Home Secretary on the subject.

"My Lord,

Last Wednesday evening I heard, for the first time, of the correspondence between your Lordship and my friend, Mr. Burne, on the subject of the Commission which I desired him to take out for me. I never authorized him to write in the manner he did to your Lordship; but supposed it a mere matter of course for a peer to become an acting magistrate when he pleased; and if respect be no longer due to the Irish peerage, my property in the country made it your duty to comply with my desire, unless I had forfeited my rights by ill conduct, which I believe, *you know* I never did.

¹ *Personal Recollections of the Life and Times . . . of Valentine Lord Cloncurry* (1849), p. 223.

I think it necessary to state to your Lordship, that I have not changed my sentiments, and I hope I never shall: they are, and always were, loyal and patriotic sentiments, full of abhorrence for the men and measures which, in '97 and '98, drove the unfortunate people of this country into rebellion—measures for which the minister was indemnified by parliament, as well as for his treatment of me, the illegality and inhumanity of which are not, I believe, unknown to your Lordship.” [Then follows a long list of his grievances, many of which were denied by friends and English officials alike who visited him during his captivity. He continues] “I desire my friend to take out a commission of the peace, but it is refused and by whom? By the man who, having no property of his own, is paid to protect that of others—the man who should know what is due to the peerage to which he has been raised—and the man who, I believe, knows that there never was a shadow of criminality in my conduct.

I should feel myself debased by thus entering into explanation with your Lordship, did I not believe that your power is near its end. The reign of bigotry and prejudice is over. I shall remain in my country, from which you would have driven me, and I shall cherish those sentiments you would have me renounce. May your Lordship, in retiring from Ireland, leave no bad blood or party spirit behind you; and may you leave no person on whom your conduct has made more impression than it could on me”.¹

I can find no reference to this characteristic effusion in Lord Redesdale's correspondence. Marsden thought that Lord Cloncurry's request might have been granted in order to keep him quiet and friendly, but this was a point of view which would never have commended itself to

¹ *Ibid.*, p. 224.

the Chancellor. Lord Hardwicke, as was his wont, endeavoured to pour oil on the troubled waters, and Cloncurry, whose ruffled feelings he smoothed down to the best of his ability, makes frequent references to his friendly conduct. He also asserts that the Viceroy promised to do anything in his power to make amends for the injustice of the Tower episode, even to the extent of offering to advise the English Government to bestow a viscountcy on him, which his friends say he declined with "characteristic taste." We may venture to doubt these assertions. Lord Hardwicke was under no illusions regarding Cloncurry, though he considered that the Chancellor was making a more important case of the matter than it justified. Lord Redesdale, however, viewed Cloncurry's application more as a general than a local concern; he felt that the appointment of so notorious a man would lower the prestige of the whole magistracy of Ireland, which he had made such efforts to purge and uplift. He also thought Cloncurry was almost as hostile to Lord Spencer and Lord Grenville as to himself and he did not consider he was warranted in putting him in the Commission of the Peace without the concurrence of the Secretary of State. He therefore urged the Viceroy to lay the case before Lord Spencer, to whom he also wrote, explaining his views. Lord Hardwicke was reluctant to interfere further in the matter, but in deference to Lord Redesdale's wishes he wrote to the Secretary of State; and Lord Spencer replied that under the circumstances it appeared to him that there could be no doubt that the decision on the question should vest in the next Lord Chancellor of Ireland.

What appears to be the final letter in this correspondence is published in Lord Cloncurry's *Personal Recollec-*

tions¹ and evidently written after Lord Redesdale had received Lord Spencer's orders.

"Feb. 24th, 1806.

My Lord,

I have desired" [?] received] "instructions with respect to the insertion of your Lordship's name in the commission of the peace for the Counties of Dublin and Kildare, and I have to request that your Lordship would be pleased to apply to Mr. Ponsonby, whom His Majesty has appointed Lord Chancellor of Ireland, and to whom the Great Seal will be delivered as soon as he shall arrive in this country".

The word "desired" makes nonsense of the first part of the sentence, and the suspicion at once arises that it was not used by Lord Redesdale but has been altered in order to make it appear that the Chancellor was forced to give way, whereas he had not moved from the position he took up at the beginning of the controversy. In his *Lives of the Chancellors of Ireland*, considered a standard work on the subject, O'Flanagan bases his criticisms of the Lord Chancellor's action on the information contained in this book. He says that Lord Redesdale:

"was startled by a command which he could not disobey, from the Lord Lieutenant, who desired him to insert Lord Cloncurry's name in the Commission of the Peace for the counties which the Chancellor had so recently refused him, viz. Dublin and Kildare".

O'Flanagan then quotes Lord Redesdale's letter, as published in Cloncurry's *Personal Recollections*.² Burke, in his

¹ *Ibid.*, p. 228.

² J. R. O'Flanagan, *Lives of the Lord Chancellors . . . of Ireland* (2v., 1870), II. 305.

LIFE OF LORD REDESDALE

Lord Chancellors of Ireland, makes the inaccurate statement that "Lord Redesdale had to undergo the humiliation of writing to Lord Cloncurry to inform him that the commission of the peace would be made out for him."¹

And here we will leave Lord Cloncurry. In his book he shows himself as a vulgar, conceited, insolent parvenu and nothing more damaging to his character could have been written by his bitterest enemy. In his relations with the English Government he seems to have kept clear of incriminating courses himself while urging others on to treasonable actions, and he was treated with extraordinary patience, courtesy and forbearance. Had not his name been so widely and inaccurately connected with Lord Redesdale's by Irish historians of the time, no notice would have been taken of so unedifying an incident.

¹ O. J. Burke, *History of the Lord Chancellors of Ireland* (1879), p. 190.

CHAPTER XIII

AN account of the Chancellor's official work during his four years in Ireland would require too much detail for the scope of this book; neither is the writer competent to deal with so technical a matter. A brief notice, however, may be given on the general aspect of the subject.

By virtue of his office Lord Redesdale touched the public life of the nation at many points. As Lord Chancellor he was the most important member of the Viceroy's Council and had a large share in the responsibility of government. The impartial administration of justice lies at the foundation of a people's prosperity and content. Letters and State Papers now accessible prove how great was his anxiety to establish and maintain a just and fearless exercise of the law through the advancement of the best men available for judicial posts. No trouble was too great and no time was considered wasted in endeavouring to secure suitable nominations for the most trivial, as well as the most important, offices and personal prejudice was never allowed to weigh with him against real worth, in however unattractive a form it presented itself. He pressed on his plans of administrative reform with great courage and resource, and in doing so he not only encountered the hostility of inefficient place-hunters in Ireland, but he was opposed by a resolute clique in England, who made every effort to get their own men nominated to lucrative posts, regardless of their fitness or worth. Lord Redesdale was keenly sensitive to vulgarity and discourtesy, and it cannot be

denied that he found much in the manners and customs of many of those with whom he was brought into official contact which offended his sense of decorum and good taste and which, in his opinion, lowered the standard of judicial prestige in the country. But he was loyal to his subordinates, and his letters contain many references to the high position the Irish Bar occupied in the estimation of the people and the need for maintaining and extending this good opinion. He also endeavoured to impress upon the Viceroy and the Castle officials the advantage of preserving cordial relations between the Bar and the Government. "I have before suggested to your Excellency," he wrote on one occasion, "how much I consider the good opinion of the Bar here as valuable to Government. The strength of Government rests wholly in public opinion and there is no body in Ireland which has so much influence on public opinion as the Bar."¹ He was a sincere and accurate observer of men, and he never hesitated to express disapprobation when he considered unsuitable appointments were made. Some judicial nominations not having met with his approval, he wrote to the Viceroy pointing out the claims of older men to the higher posts, in the courageous, impartial spirit which characterized him in all his dealings.

There is no doubt that the conduct of several of the judges gave him much trouble and anxiety. "The refractory spirit and disposition of the judges in Ireland, next to the Catholic question, forms one of the most principal subjects of general conversation in this City," Littlehales wrote to Lord Hardwicke.² The Chancellor worked incessantly, and against much misrepresentation, to maintain the dignity and efficiency of both Bench and Bar. In this struggle he saw right against wrong; integrity against

¹ B.M., Add. MS. 35718, f. 107.

² *Ibid.*, 35721, f. 173.

corruption; order against chaos, and he was prepared to resign rather than consent to appointments he considered derogatory to the profession he served. In an outspoken letter on this subject to Lord Hardwicke he wrote:

“Ardrin,

16th January 1805.

Private and Confidential.

... I find Mr. Ormsby is again stirring about his advancement to the Bench. Since I had the honour of speaking to your Excellency upon it, I have been more confirmed in my opinion that he is not a fit person for the situation and I shall shew the opinion by refusing to put the seal to his patent; leaving to His Majesty's Ministers, if they shall see fit, to put the seal in other hands, and then let them try whether any man, knowing that it is taken from me for refusing to sanction such an appointment, will dare to brave the public opinion so much as to do it. It is of the utmost importance to the welfare of Ireland that no man should be advanced to the Bench without the sanction of the public opinion in his favour. Government is now suffering from the profligacy with which Lord Castlereagh braved public opinion in the nomination of Judges. The Bench and Bar must be redeemed from their present disgraceful situation or the Country must suffer and the Government be under continual embarrassments. If I were to oppose Mr. Ormsby's appointment for no other reason than that he publicly gives out that his political consequence will ensure it in spite of opposition, I should think myself fully justified: but I am sure Government would be greatly disgraced; and neither duty to the King, respect for your Excellency, friendship for Mr. Pitt or regard for my own character will permit me to swerve from the resolution which I have formed”.¹

¹ *Ibid.*, 35718, f. 57.

During his tenure of office several important legal posts fell vacant, and the appointments made to fill them on his recommendation met with general approbation, though he seldom got any credit for the transaction. His letters show that these appointments caused him many hours of anxious thought. The importance of finding suitable men to fill the higher offices could scarcely be exaggerated it affected the well-being of the whole country. The Attorney-General, besides being the first law officer with great patronage in his gift, was, with the Solicitor-General, obliged to give his opinion on all legal matters submitted to him; he was also one of the most important members of the Privy Council and was thus brought into direct touch with the whole administrative system of the country and was constantly consulted by the Viceroy and Chief Secretary on matters of general policy. The high law officials habitually repaired to the Castle to deal with matters which in England would have been considered outside their province. As narrow-minded political fanatics they could do an incalculable amount of harm.

In recommending the men he considered most suitable for important posts, it is noteworthy that the Chancellor always suggested persons who commanded the respect and liking of the Bar, and he made his recommendation on that ground. This was widely recognized by the profession, and though his enemies spared no pains to damage his reputation and to misrepresent his actions the Bar admitted his loyal attitude towards them. Irish historians whose accounts of his activities in other directions are often little better than a burlesque of the facts are either silent or eulogistic over his professional conduct. I have not met with an adverse criticism from them on that score. This fact was well known to the Viceroy. "I sincerely hope

no changes may remove the Chancellor," he wrote to Vansittart in 1805, "for I am confident it would be a real loss to the Country, and would be so considered by the public and by the Profession of the Law."¹

Lord Redesdale kept a watchful eye on expenses. In August 1804 he made an order the more effectually to enforce the passing of accounts by all guardians of minors, committees of lunatics and Receivers, as well in minor and lunatic cases as in cases depending in the Court of Chancery. He did not hesitate to take or advise strong measures when he considered they were necessary. It was an invidious task, for the cupidity of Irish Officials at that time was notorious. His enemies were mostly drawn from the class he refused to conciliate by acceding to their ceaseless demands for promotion or by consenting to their claims for pecuniary profits, out of all proportion to their deserts. The following letter is an instance of his efforts in this respect and with what care he went into details.

"17th Feb. 1805.

Private and Confidential.

My dear Lord,

I have reflected a good deal on Mr. Pollock's bill, which seems to me enormous. I very much doubt whether four copies were actually made, and still more whether four copies were ordered. I think your Excellency ought to transmit the bill to England for information as to the charges made there for similar business and to put an end to the practice of employing a Crown Solicitor for such a purpose. But I should incline to go much further and, unless Mr. Pollock will make his bill very different to what it is, I should dismiss him from the office of Crown Solicitor, which this bill seems to me to shew he ought not to

¹ *Ibid.*, 35710, f. 74.

hold. I am persuaded such a dismissal would do more good than almost anything which could be done to put an end to the shameful plunder of the public by persons of this description. . . . If Your Excellency will cast your eye over the bills passed in one session of Parliament you must perceive that if Government there were charged at the rate claimed by Mr. Pollock, the expense would be enormous. On the whole, therefore, this subject appears to me to require your Excellency's most serious attention".¹

So great an impression did his legal attainments and his method of conducting business make upon the Irish Bar that a report of cases argued and determined in the Court of Chancery during his term of office was edited by Messieurs Scholes and Lefroy and dedicated to him "in respectful acknowledgment of the profound learning, the indefatigable industry and the inflexible integrity which distinguished his Lordship in the discharge of that high office."² No one can read the book without being impressed with the Chancellor's ability to cope with and to expound the intricacies of the law. The preface to the first volume explains the circumstances under which the book was compiled and is valuable and interesting as a testimony to his worth:

"Very shortly after the appointment of Lord Redesdale to the Chancellorship of Ireland, the Editors of these Reports, attracted by that spirit of discussion which his Lordship introduced and uniformly encouraged, resolved by a regular attendance in the Court of Chancery to profit by so eminent an opportunity of acquiring information, nor was it long until the general wish of the profession,

¹ *Ibid.*, 35718, f. 71.

² J. Scholes and T. Lefroy, *Reports of Cases, etc.* (1806).

both in *England* and *Ireland*, to have his Lordship's decisions collected and preserved, induced them to attempt the office of arranging and publishing notes originally designed for private use alone. . . . Anxiously desirous to establish in *Ireland* a system of equitable jurisprudence suited to the habits of the country, yet founded on the acknowledged principles of the Laws of *England*, whatever tended, however remotely to advance that object was not considered beneath his notice. . . . ”

The Chancellor's professional ability was also widely recognized outside the Law Courts and the Editor of *Falkiner's Journal* expressed the general feeling when he published the following eulogy in announcing his recall:

“During the four years in which he presided, he not only satisfied every suitor of his Court by the clearness and justice of his decisions, but has by constant promulgation of sound principles of equity gone very far towards establishing such a systematic body of that admirable science as would have served for a code of equity for the whole United Kingdom. The reports of some of his Lordship's decisions have already obtained distinguished approbation in Westminster Hall, and it is not one of the least ill consequences of his Lordship's removal that a publication of so much advantage to the profession in general and of credit to the Irish Bar in particular must now be discontinued.”

During his term of office the Chancellor had found much to distress him in the condition of the Irish Church. He was a deeply religious man and a strong Churchman, and the rampant abuses which existed were among the matters he most urgently desired to see reformed. The struggle for preferment in the Church was as shameless as in other

departments of the State. Ecclesiastics bearing scandalous reputations were appointed to high offices, solely because they had influential friends or were themselves in a good social position, and the archbishops were powerless in the matter. Some of the clergy appear to have received secret service money.¹ Dr. Knox, Bishop of Derry, whose official income is stated to have been £10,000 per annum, is down in an official document as having been given fifty pounds for secret information, and the names of lesser clergy of both churches are included in the list. One reverend gentleman is credited with £300. Many of the wealthier clergy lived in English fashionable resorts and gave a curate a miserable pittance to perform their duties. The absence of the bishops was a crying scandal. The churches were in a dilapidated condition and the life of the Church was at a very low ebb. "The clergy of the Established Church are so negligent of their duties," the Chancellor told the Speaker, "and the bishops in general so intent on the accumulation of wealth and of preferment in their families, and Lords insisting that their booby sons must be bishops, however unfit even for the duties of a curate, that the overthrow of the Establishment must take place if a reform should not early be made."² Lord Redesdale also impressed on the Viceroy that "the fate of Ireland at this moment depends in a great degree on the appointment of Bishops who will do their duty as such," and he was anxious to induce both the bishops and the lesser clergy to exert themselves to bring law and order into the country. This was made more difficult by the fact that many of them heartily disliked their flocks. The wealthy offices and dignities had often been given

¹ J. T. Gilbert, *Documents relating to Ireland, 1795-1804* (1893), p. 77.

² *Diary and Correspondence of Lord Colchester* (op. cit.), I. 525.

to Englishmen who were quite out of sympathy with the Irish people, and even when belonging to the country they were only too glad to escape to England, where they could live in comparative luxury and peace. Addington, when Prime Minister, was anxious to improve matters and consulted the Chancellor on the subject, who replied:

“28th October 1803.

With respect to the residence of the bishops, I have no doubt that the country would support you most thoroughly in any endeavour to compel it; and I have little doubt that resolution would produce obedience. I have, I think, brought the judges to consider this in a proper point of view and I think none of them will in future leave Ireland without asking leave of the Lord Lieutenant. The residence of the bishops is of infinite importance; and the archbishop is so very quiet a man that I am sure he would not have complained on this head if he had not felt it to be a serious grievance and generally complained of”.¹

The evil of non-residence was as serious among the lesser clergy as among the bishops, but there was more excuse for them. In October 1802 the Archbishop of Armagh informed the Viceroy that many of the benefices were without a church, and more without any glebe, and that through the whole country there were not more than four hundred parsonages. In one diocese the average number of acres in each benefice approached fifty thousand. If this statement be true it is difficult to blame the clergy for absence when they had neither church, glebe nor house to live in, and there is ample testimony that many of them did their duty nobly in the face of overwhelming diffi-

¹ G. Pellew, *Life and Correspondence of . . . Addington* (3v., 1847), II. 244.

culties. The Chancellor was anxious to hasten forward plans for the increase of churches and houses, and he complained of the attempts to thwart the endeavours of the active members of the Board of Bishops, and especially of the measures taken to defeat the plans of the Board of First Fruits for building glebe houses and churches. The work was also greatly hindered by lack of funds. He had long been convinced that some commutation of tithes would greatly contribute to the peace of the country, and at Mr. Wickham's desire he had sketched out a Bill for the purpose, but the Chief Secretary had never had the time to consider it. On his return to England he did not let the matter drop, and two years later he drafted a Bill; but it met with adverse criticism from Sir Arthur Wellesley, then Chief Secretary, and the Prime Minister, and it does not seem to have materialized. In returning a letter from Lord Redesdale which Lord Chancellor Eldon had sent him, Sir Arthur Wellesley made the interesting comment:

"I wish I could agree in opinion with Lord Redesdale and could think that the law was better obeyed in Ireland than it was before the Union and the Rebellion. I long for the period when I shall be able to say that any one law is carried into execution strictly and is obeyed in Ireland; and when I shall witness that period I shall believe that we can carry into execution in Ireland the system of the British Constitution as it ought to be carried into execution, without the aid of general officers and bayonets."

CHAPTER XIV

AFTER all their promises and fine words, Lord Grenville's Administration immediately threw over the Irish Roman Catholics. Fox pledged himself not to revive the subject. "I am determined not to annoy my Sovereign by bringing it forward," he announced, though he had not scrupled to annoy his sovereign by pressing the question when in Opposition and had assailed Ministers with a violence of vituperation that has rarely been surpassed. The men who had believed in the new Cabinet's sincerity, and had supported them in consequence, remained unrewarded—a cause of dire offence in Ireland. The distribution of Irish posts caused much dissatisfaction, and the new Lord Chancellor soon quarrelled with his friend Curran and the other Irish patriots. On the fall of the Government in March 1807 Ponsonby, who had held office for about a year, retired on a pension of £4,000 per annum. A debate took place with regard to this matter on the 2nd July, when a statement was made which reflected so adversely on Lord Redesdale's Chancellorship that it cannot be passed over here. In praising the virtues, attainments and industry of Ex-Chancellor Ponsonby, Lord Howick, whose daughter he had married, "confidently appealed to the gentlemen of Ireland whether there had ever been a Chancellor who had discharged the important duties of his office with greater ability, diligence and advantage to the public. When he succeeded to the Office the Chancery Court of Dublin was in arrears for six years of notices, for 600 motions and for 427 causes;

when he quitted office he had got under all the notices and motions and had brought down the causes to 200, besides going through with the current business." These figures could only have been given on the authority of Ponsonby himself. Plowden, with vindictive glee, has copied the statement into his *History of Ireland*¹ without troubling to verify its accuracy or even to give the source from which he took it, and it has been seized upon by enemies of the English Government as a proof of Lord Redesdale's negligence and dilatory ways. Lord Redesdale always treated attacks on his efficiency and integrity with disdainful silence, considering that arguments and explanations were beneath his dignity: they were, moreover, unnecessary, for the merit of his work in Ireland was well known and acknowledged by everyone whose opinion he valued. Lord Howick, who had the reputation of being an honourable man, seems to have allowed himself to be beguiled into making a statement, by implication so damaging to the character of a highly placed official, without at the same time supplying evidence that his assertions were correct, for Ponsonby's reputation must have been well known to him. We have searched in vain for any information which could throw light on the matter. The most valuable in this connection is the First Report of the Commission appointed to inquire into the duties, salaries and emoluments of the officers and ministers of Justice in all temporal and ecclesiastical Courts in Ireland, and is dated 6th February 1817. Volume X deals with the Court of Chancery, and the information it contains is especially interesting, since it includes the answers to questions put by the Commissioners to the Lord Chancellor and returns made by him, dated 1st May 1807. This was

¹ F. Plowden, *History of Ireland* 1801-10 (3v., 1811), III. 546.

a few months after Ponsonby had left office and two months before the statement was made by Lord Howick in the House of Commons. We can find no mention of any Chancery delays during Lord Redesdale's time. Had there been the vast arrears of work that the notoriously lazy Ponsonby is credited with disposing of with such marvellous rapidity in addition to his own business it would certainly have been referred to, and there is no doubt that Ponsonby himself would have stressed the circumstance with great satisfaction, as a proof of his diligence and ability. In any case the fact would have been elicited by the Commissioners during the examination of Mr. O'Dwyer, who was secretary to Lord Redesdale during the whole of his Chancellorship. Lord Redesdale was very ill for some weeks before his recall and the business of his Court must have suffered in consequence, but it could not have done so to the extent mentioned, and his industry and anxiety to prevent delays are proved beyond doubt from his letters and the references of the period. It will be remembered that soon after his arrival the Irish press announced that he was going to sit an hour earlier each day in order to expedite business, and his anxiety to prevent delay and expense to suitors induced him occasionally to open and preside in his Court before Term began. In the absence of any evidence, therefore, we may venture to regard this statement of Lord Howick's as unfounded.

Lord Redesdale has also been accused by hostile Irish writers of a propensity to grasp at the fees and emoluments of his office. After his removal, and while he was still in Dublin, the local papers inserted paragraphs with the intention of damaging his reputation, the information for which could only have been obtained through official sources. The *Dublin Evening Post* of the 20th March 1806

went so far as to assert that the Seals had produced a revenue to Lord Redesdale the previous year of £20,000; at the same time it was stated that the new Lord Chancellor was fully occupied in reducing the vast arrears of work left over by his predecessor. An interesting letter on the Chancellor's official income was preserved in the Dublin Record Office before the destruction of the Four Courts in 1922.¹ It was from Lord Redesdale to Lord Hardwicke and was dated 27th April 1802:

"Mr. Addington desired me to obtain the last account I could of the actual income of the office and I find from Mr. O'Dwyer, the Secretary to the late Lord Clare, that there is a salary of £4,000 a year and not more; and he considers this income of about £5,000 a year as the whole of the income now properly belonging to the office. He states to me that the compensations received by the late Lord Clare in consequence of the Union were two sums of £3,978 : 3 : 4 and £161 : 6 : 8, making the income received by his Lordship £9,139 : 10, and this is stated to me as the whole income of the office actually received by Lord Clare.

I find it has been customary for the Chancellors to require from some of their offices annual sums, payable to themselves or according to their directions, but that Lord Clare received personally no such sum. However, I find that £500 a year was paid by the Secretary out of his fees and £50 a year by one of the Messengers to the Commissioners of Bankrupts out of his fees; and that another of the Messengers was not required to attend, the other doing his duty. I have thought that the offices of Messengers to the Commissioners of Bankrupts ought not to be so charged and propose to give directions accordingly, but I think the £500 a year out of the Secretary's

¹ Carton 346 800/34 First Series.

fees may be paid for the benefit of the publick, without any impropriety”.

Fortunately the Report of the Commission again comes to the Chancellor's defence. It is therein stated (Vol. X. p. 13):

“The fees attached to the office of Lord Chancellor are few and inconsiderable. No statement of them is to be found in the printed list of 1734 or any subsequent return, but there is no reason to suppose that they have been increased since then. Since 1803 they have become the property of the public, the salary of the Lord Chancellor having been fixed by statute 42. Geo. 3. Cap. 105. at £10,000 British, per annum, and his Lordship required to account quarterly for his fees to the Treasury, which was authorized to issue such a sum as, together with their produce, should make up the salary to that amount”.

The Chancellor informed the Commission that he derived emoluments from Letters Patent, Cursitor's writs, Faculties and Chancery writs. He gave a list which in all amounted to a very small sum (Report quoted above, p. 120). In answer to a question, he stated he received no further gratuities or emoluments, except an allowance of stationery every Term, which was the same as his predecessors had received for the last thirty years.

Another astonishing statement is made regarding Lord Redesdale in the third volume of George Lewis Smyth's *Ireland, Historical and Statistical*, published in 1849. The author refers to the “startling corruption” and waste in the Irish Revenue, alleged in the House of Commons by Foster, whom he described as “a clever man, but a meddler, a trickster and self-willed to an extraordinary

extent"¹ and he gives names purporting to be taken from a House of Commons Return, dated 11th June 1804, of persons to whom compensation was awarded on account of losses sustained by the Union, and Lord Redesdale is therein stated to have received £10,833 6s. 8d.² It would be interesting to know how the writer came by this information, to which he refers with glee; it is obvious he did not verify the reference.

In turning up the Journals of the House of Commons for 11th June 1804, we find, on page 33, an Order for

"An account of the Particulars of Compensation awarded by virtue of the said Act to persons whose offices were discontinued or diminished in value by the Union, distinguishing particularly the days on which such compensations were awarded and the Persons by name to whom, and the dates of the respective Patents, Grants, Warrant, or Appointments under which such Persons respectively held the offices in right whereof such compensations were awarded, and the amount thereof in the whole".

This is quite clear. It is merely an Order for a Return. The Return itself is published in the House of Commons Accounts and Papers—(1803/4(2): pp. 663–673 in the British Museum Copy), and it is not mentioned by G. L. Smyth. It contains a list of persons with all the information concerning them ordered by the House of Commons, in tabulated form. There are 130 names in all and it is hardly necessary to say that Lord Redesdale's is not among them. Why should it be? He was not concerned with losses incurred through the Union, unless it was the loss of two yearly sums paid to his predecessor

¹ P. 401.

² P. 403.

for posts which the Union had abolished and which had been made up to him by a corresponding increase in his salary. At the end is printed: "Returned in pursuance of an Order of the Honourable House of Commons, dated 11 June 1804", and the paper itself is dated 25th June 1804.

These malicious assertions would be too contemptible to notice, were they not made by men who posed as authorities on their subjects and whose published works, included among standard books of reference, give their statements an importance they would not otherwise possess.

In the face of these accusations it is necessary to refer to the manner in which Irish history has been presented by writers—English as well as Irish—of Nationalist sympathies. With a few exceptions, these men seem incapable of considering any subject from the detached standpoint of the scholar. They are vitriolic in their abuse of English politicians; they only see Irish history through anglophobe glasses, and the sources from which they quote are so often tainted that it is generally impossible to extract the truth from contemporary narratives. Their political and religious prejudices (frequently added to a malicious desire for personal revenge for an—often imaginary—wrong) colour their judgments, and their calculated misrepresentation of facts is so obvious that we cannot give credence when their personal interests are involved. Paddy is always a gentle, harmless, unarmed creature; a persecuted, haloed saint; a victim to the villainies of that accursed, horned devil, John Bull. The effect of this perpetual disparagement merely serves to exasperate the reader without convincing him, for the type of mind which is always attributing mean and sordid motives,

without supplying any proof, is worthless as an exponent of history. Leading English statesmen in Ireland at that time were the objects of ceaseless and malevolent criticism. Two of Ireland's national heroes, Grattan and Emmet, as well as Archbishop Troy, have left on record their appreciation of the mildness and clemency of the Hardwicke Administration: but to injure men against whom a personal grievance was nourished by writing a book in which their characters were defamed and their actions were misrepresented was a favourite method of revenge in Ireland. "And the cruel echoes answer through long years again."

The "thrice refined venom" which is so noticeable in connection with Lord Redesdale's Chancellorship in most of the Irish histories renders them valueless to his biographer. The accusations do not survive critical investigation. It is, however, impossible to ignore two authors who constantly traduce the Chancellor and impute unworthy motives to his conduct whenever possible. Plowden's *History of Ireland* has already been mentioned. This book is regarded as a standard work; it is frequently referred to in the *Dictionary of National Biography*, and is quoted by most writers of the time as an authentic source of information.

Plowden was an Englishman, educated by the Jesuits at St.-Omer, who acquired notoriety as a political writer and a bitter opponent of Pitt. We are told that he went to Ireland for the first time in 1800 and his *Historical Review of the State of Ireland* was published in 1803. Grattan in acknowledging a gift of this book says: "You are one of the very few Irish historians who have ventured to deal in the commodity called Truth and you have done so like a man, with vigour and ability against the tide of power

and prejudice.”¹ Plowden’s book thus received the stamp of official nationalist approbation. Four months after Grattan’s eulogy was written, Lord Hardwicke was taking strong exception to statements made in it as “very inconsistent with the objects he professes to have in view—truth and conciliation.”

In 1813 a Mr. Hart brought an action against Plowden for a libel contained in his history and obtained a verdict with £5,000 damages, which Plowden avoided paying by fleeing to France, where he died in 1829.

Another writer who shows a violent animosity to the Chancellor is Sir Jonah Barrington. His *Historic Memoirs of Ireland* (2 v., 1832) and *Personal Sketches* (3 v., 1827–32) have acquired notoriety, and his name also appears in the lists of standard works on Ireland, while reference to his books is continually made by writers. He gave much trouble to the Viceroy and to the Chancellor, and the reason for his enmity is revealed in the private letters and records of the times.

The *Dictionary of National Biography* states, on Barrington’s own authority, that he refused an offer of the post of Solicitor-General provided he would support the Union; but O’Flanagan asserts² that Barrington applied for the post himself and gives Lord Castlereagh’s letter refusing his request. The office of Judge of the Admiralty Court, which brought him in an income of £1,300, and the post of Clerk of the Out Entries at the Port of Dublin, worth £1,100 a year, whose duties were easily performed by deputy, had already been conferred upon him. He had also been made a King’s Counsel, and so greatly increased his practice, though the Bar entertained a very

¹ B.M., Add. MS. 35745, f. 22 (Copy).

² J. R. O’Flanagan, *The Irish Bar* (1879), p. 108.

poor opinion of his legal ability. He had a fine house in Merriion Square and his extravagance was notorious.

In the summer of 1805, Jonah Barrington sent a memorial to the King in Council, asking for an increase of salary as Judge of the Admiralty Court, without first referring the matter to the Irish Government. The Lord Chancellor expressed his opinion on the matter in a letter to Mr. Vansittart, then in London, dated 25th June and marked "Private and Confidential."

"Nothing can equal the surprise here at the attention paid to Mr. Barrington; and the Lord Lieutenant feels a little that a question respecting an office in Ireland should be taken up under the patronage of Sir William Scott, without the slightest previous attention to the Lord Lieutenant. . . . Mr. Barrington is most hostile to the Government here; opposing them in every way and particularly under the patronage of Mr. Grattan. At the same time he so conducted himself after the month of July 1803 [the Emmet Rebellion] that very serious doubts were entertained whether he ought to be at large. His character here is of the lowest description and anything which he may gain from Government will most certainly disgrace those who shall give it in the opinion of the bar, and it is important that you should recollect that the bar is the great body which now directs the public opinion here, especially on such subjects".¹

By desire of the Privy Council the Secretary of State communicated with the Viceroy on Barrington's application. Lord Hardwicke felt unable to express an opinion on a point which involved a permanent charge upon the public purse, without being fully informed beforehand of

¹ B.M., Add. MS., 31230, f. 65-70.

the nature of the office and the extent of its duties; he therefore wrote to the Chancellor requesting his opinion and that of the Chief Judges and Lord Redesdale replied the same day, suggesting that Mr. Barrington should be desired to lay before the Lord Chief Justice and himself such documents as he may be desirous of offering for their consideration. Barrington, then in England, wrote long, tedious and servile letters to the Viceroy, but he supplied the information required, and wrote a letter which had the effect of still further prejudicing the Chancellor against him. It is unnecessary to dwell further upon this sordid affair, which proves beyond doubt the reasons for Barrington's hostile attitude to the Chancellor. A Commission appointed some years later to inquire into the affairs of the Irish Courts of Justice revealed the fact that he had embezzled money paid into his Court on several occasions. He was removed from his position on the petition of both Houses of Parliament and retired to the Continent, where he revenged himself by writing books in which he reviled the English officials with whom he had been brought in contact. He died in France in 1834.

The Chancellor has been credited with having been instrumental in arranging and restoring the public records of Ireland, but he seems to have done nothing in the matter beyond answering a request from Lord Hardwicke for advice after he had left office. The correspondence with regard to them has no general interest, but Lord Redesdale's letters form a valuable addition to our scanty knowledge of the chequered history of Irish official documents.¹ The Records of Ireland had fared no better than those of England and were scattered about in the utmost confusion. After the Union the papers and records

¹ Appendix C.

of the Irish Parliament, which included original acts, journals and documents which had at different times been laid before either House or before any of their committees and which had remained in the Parliament House, were removed to an ancient building in Anglesea Street, where they were left to rot, a prey to dust and rats. Valuable state papers, journals, registers and books were piled in heaps upon the floors or thrown indiscriminately on to shelves. So great was the confusion that they were useless for practical purposes: documents and title deeds of the utmost importance to the Government, public bodies and individuals could not be found in the general disorder. Nothing was done to alter this state of things during the Hardwicke Administration, but the condition of the public records evidently lay heavy on the mind of Charles Long, for on the 17th February 1806 he wrote a private and confidential note to Lord Hardwicke on the subject:

“I wish your Excellency, if you approve of it, would leave some document or take some steps regarding the Rolls and Records. I would not have the miserable state in which they are, appear to be the discovery of your Successor, or as having been neglected by you. I should have suggested a Commission under the Great Seal for the purpose of investigating the state of them and of reporting upon a proper mode of arranging them, etc. as most advisable, but at all events I hope your Excellency will approve of having some document respecting them (perhaps a letter to the Chancellor) shewing what your intentions were upon the subject”.¹

Lord Hardwicke at once referred the matter to Lord Redesdale, who replied that he was ready to propose a

¹ B.M., Add. MS. 35716, f. 190.

Commission and to seal it whenever the Viceroy should think fit to approach him officially on the subject and he suggested as Commissioners, the Chief Justice, Lord Norbury, the Chief Baron, Mr. Sackville Hamilton and one or two business men of leisure. On receiving the official request from Lord Hardwicke he wrote a long letter which has credited him with taking a more active part in the matter than he actually did.¹

Lord Redesdale remained in Ireland for some time after he left office, for he had much business to settle. He sold his house in Ely Place to his successor, but he had difficulty in disposing of Ardrin. The following portion of a letter to Lord Hardwicke is the last preserved of the long and intimate correspondence which took place between the friends while the Chancellor was in Ireland.

“ . . . Your Lordship rightly observes that the appointment of Curran to be Master of the Rolls, if it should take place, would be an extraordinary measure. It is certainly no preference of Curran to Saurin or to any other lawyer which produces the *nomination*—*that* has been extorted by fear, and if the *appointment* should follow, it will be because the fears of one party prevail over the repugnance of others to concur in a measure which must disgrace them. A barrister here truly observed that if Curran should find himself Master of the Rolls or on the Bench, he must unavoidably put on the broad grin which he frequently uses for other purposes, and applying it to himself, say—‘How the Devil did I get here and what am I to do now I am here? I had better follow the example of my predecessors and retire with a pension. And why should I not have a pension as well as Johnson, who has got one only because he ought never to have been made

¹ Appendix D.

a judge.' I am very sorry to say I see no prospect of parting with my house at any rate. . . . For ourselves, I think we shall take our passage on Monday and leave Ardrin to the mercy of the rogues who are hovering about it like kites over a dying horse. I shall be happy indeed to get back, and the more I see of the people here the more I am disposed to rejoice that at any expense I am relieved from a situation which I think must shortly have become very miserable. The *thinking* people here, whom your Lordship will know to be few, very few, seem to be low indeed. Society in Dublin is gone".¹

A few days later Lord Redesdale left the country, glad to be quit of the thankless post of Lord Chancellor of Ireland.

¹ B.M., Add. MS. 35645, f. 232.

JOHN MITFORD—LORD REDESDALE

PART III

LATER PARLIAMENTARY WORK

CHAPTER I

ON his return to London, Lord Redesdale took up his residence in Harley Street and was at once engulfed in the whirl of political life. His well-known preference for the middle of the road often exasperated the advocates of more advanced views, by whom he was condemned as reactionary. His analytical mind generally saw two sides to a question, and as a statesman he suffered from the defects of his qualities as a lawyer, but he exercised a powerful influence over his colleagues. He still took a benevolent interest in Ireland's welfare and generally spoke in the debates on Irish matters which frequently took place in the House of Lords. He concentrated much attention on legislative reform, and though he sometimes obstructed measures which have since passed into law and proved beneficial, he introduced others of great practical use. He was a direct and forcible writer. His matter was well considered and he stated his facts clearly, but with the exception of "Pleadings" he made no permanent contribution to knowledge. His life and thoughts were centred in the political arena.

The Whig Government fell in March 1807, and the Duke of Portland succeeded Lord Grenville. The Duke of Richmond followed the Duke of Bedford as Viceroy of Ireland and Sir Arthur Wellesley was appointed Chief Secretary. Lord Redesdale was asked whether he wished to return to Ireland as Lord Chancellor, but he refused the offer, and his intimate friend, Lord Manners, took the place of George Ponsonby. With the advent of a Tory

Government he was often consulted when difficult matters arose in Ireland and he corresponded frequently with the Irish officials. Sir Arthur Wellesley took a despondent view of Irish affairs. The clouds of depression and discouragement that hovered over all Government servants in Ireland were already casting their sinister shadows over his indomitable spirit. On the 7th May he wrote to the Home Secretary: "I am perfectly convinced that no political measure which you could adopt would alter the temper of the people of this country. They are disaffected to the British Government, they don't feel the benefits of their situation; attempts to render it better either do not reach their minds or they are represented to them as additional injuries; and in fact we have no strength but in our army."

Another Record Commission had been issued in 1806 and Lord Redesdale became a member of it. John Caley was again appointed secretary, and it was to his mismanagement that the disasters which finally overtook it were generally ascribed. Its failure seems to have been due to the fact that though the Commissioners were men of wide and varied experience in their own branches of public service they had not the special knowledge of the subject which ought to have qualified them to deal with it. They were chosen because their characters commanded the respect and the confidence of the public, and they relied too much on the learning and integrity of their expert subordinates, who neglected the general care of the Records, for which they had been primarily appointed, and devoted time and a vast amount of public money to preparing and issuing printed copies of special rolls, deeds, etc. The Commission expired a year after Lord Redesdale's death. Charges of neglect, mismanagement and extravagance had become so general and so serious that the House of

Commons appointed a Select Committee to deal with them. As a result of their investigations the Committee exonerated the Commissioners but condemned the system, and suggested that other methods should be employed for preserving the national archives. Records were covered with the accumulated dust of centuries and all were found to be very damp. "Some were in a state of inseparable adhesion to the stone walls. There were numerous fragments which had only just escaped entire consumption by vermin, and many were in the last stage of putrefaction. Decay and damp had rendered a large quantity so fragile as hardly to admit of being touched; others, particularly those in the form of rolls, were so coagulated together that they could not be uncoiled. Six or seven perfect skeletons of rats were found embedded, and bones of these vermin were generally distributed throughout the mass; and besides furnishing a charnel house for the dead, during the first removal of the national records a dog was employed in hunting the live rats, which were thus disturbed from their nests."¹

Another Commission had been issued by William IV, and their duties were eventually taken over by the present Record Office.

In February of the following year Lord Redesdale inherited Batsford Park in Gloucestershire, with a substantial fortune, from his relative, Thomas Freeman, and he assumed the name and arms of Freeman, in addition to those of Mitford. He became keenly interested in his property, rebuilt the church and occupied himself with the duties which inevitably devolve upon large landed proprietors. Unlike his Northumbrian home, Batsford was within comparatively easy distance of London, and he

¹ A. C. Ewald, *Our Public Records* (1873), p. 17.

continued his parliamentary activities with his usual energy and thoroughness. His public work increased as time passed on and the following March he accepted a seat on the Board of Trade and Plantations.

The attacks on the Government resulted in the retirement of the Duke of Portland, and the Perceval Ministry was formed in October 1809. The war dragged on its weary course and its long duration caused acute suffering. "Merrie England" was no more. While the large farmers and enterprising commercial men were making fortunes, the agricultural labourers and small manufacturers and the speculative firms were ruined, and the industrial workers were often starving. The necessities of life were heavily taxed and could only be bought at exorbitant prices, which reduced wages to below subsistence level. Tracts of common land on which cottagers and squatters, from time immemorial, had been able to supplement their earnings by cultivating strips and pasturing their livestock, had been taken from them by the Enclosure Acts, and this meant ruin to many a hard-working, respectable family. Such misery had hitherto been unknown. Some existed in wretched hovels by the roadside; others migrated to the towns, where they intensified the struggle for existence among the urban population, for the position of the industrial classes was also pitiable. Enemy attacks on our trade had paralysed our commerce and the whole manufacturing class was affected. Many mills and factories were idle and in parts of Lancashire wages had fallen to five shillings a week. Monster petitions were presented to Parliament, and in the Midlands organized bands of starving weavers destroyed the recently-invented stocking frames. The Government replied by passing a Bill making frame-breaking a capital offence, punishable by fourteen

years transportation. An Association for Relieving Distressed Manufacturers had been started, but failed owing to the opposition of political parties.

Small wonder that these conditions resulted in a great increase of crime, for many hitherto honest labourers and artisans were driven to poaching and theft by the sight of their famishing families. The prisons were overflowing with people in custody for non-payment of money, for the law allowed a creditor to keep his debtor in prison for life, even if he were willing to give up all his possessions, and these wretched men existed under indescribable conditions.

In face of all this suffering Lord Redesdale considered that the harsh laws regulating the relations between creditors and their debtors should be relaxed, and he began the parliamentary campaign with which his name was to be so closely associated. On the 18th February 1811 he submitted his Bill for the Relief of Insolvent Debtors. In order to remedy the admitted evil of temporary insolvent acts, and to end the practice of having recourse to existing unsatisfactory laws, he suggested the establishment of a court to be presided over by a judge who would be entrusted with the administration of the whole law upon the subject and before whom debtors who have been three months confined may claim their discharge by giving up all their property on oath. Their subsequently acquired property would also be subject to the payment of their debts, and if it were proved that such property was not so applied, or that a false account had been given or any fraud practised, the debtor would be again subject to the same process as before he took the benefit of the Act. As there might be grounds for appeal he also proposed a Court of Appeal, consisting of three Judges, one

appointed by each of the three Courts of King's Bench, Common Pleas and Exchequer.

The Bill met with a mixed reception: the more liberal of the peers approved of the scheme, which they considered tended to remove evils so great that the House was bound to take some steps with regard to them. It was strenuously opposed by others, including the Lord Chief Justice (Ellenborough), who thought it would destroy the commercial credit of the country. At length, with the help of various committees, a Bill was finally drawn up which satisfied all parties. Its passage through the House of Commons was slow, for it was subject to many amending clauses. Great public interest was taken in the subject, and petitions for and against it were presented. The Common Council of London appointed a Committee to oppose it, but the measure was greatly approved by many members of the House. The humane Romilly remarked that "Had such a Bill passed at the beginning of the present reign, how much misery might have been averted! how many hearts now broken down with sorrow might have beat high with exaltation at having regained that station in society which they had once adorned and at having been enabled to fulfil with honour those engagements which, though interrupted by misfortune, had been rendered impracticable only by subsequent persecution." Finally the Commons restored the Bill to nearly the same condition in which it had come down from the Lords. It received the Royal Assent on the 10th July 1813. Some of its provisions, however, were found to be unworkable, and Lord Redesdale prepared another Bill which he thought would meet all requirements. It passed through Committee and was reported without amendment.

At a quarter to five on the 11th May 1812 the House of Commons was in Committee on the Orders in Council; the Speaker had left the Chair and a manufacturer of hardware from Staffordshire was being examined, when the report of a pistol rang out. At first no one paid any attention and business proceeded, but confusion and cries of "Order" arrested the attention of members. It was then found that the Prime Minister had been shot and was dying about three yards from the door of the House. In the horror of the moment there was no thought but for him, but as he was being raised from the ground someone exclaimed "Where is the villain who fired?" A man who had been sitting on a bench in the background stepped forward, remarking "I am the unfortunate man." He was quite cool and collected and made no attempt to escape. When questioned, he stated that his name was Bellingham. He was taken into the House, where he stood motionless, his hands resting upon the Bar, staring steadily at the Chair and apparently unconscious of the turmoil around him. The Speaker, who had at once returned and taken his seat, ordered that he should be removed by way of the private passages round the House. All avenues were then closed and he was taken away.

Meanwhile the Lords had just finished hearing Counsel in an Appeal case, when their attention was distracted by sounds of great disturbance and rushing footsteps. A silence fell and all looked apprehensively towards the doors. Suddenly the cry "Mr. Perceval is shot!" was heard outside and an official entered and approached the Lord Chancellor. The Peers left their seats and crowded round him. On learning further details they all surged out, leaving only the Lord Chancellor and three Bishops behind, who continued their inquiries.

Lord Arden and Lord Redesdale went to him at once. He had been taken to the Speaker's house and laid on a sofa. Lord Arden stood over his brother's body in an agony of grief, repeating the words "No. I know he is not here; he is gone to a better world." Lord Redesdale left to break the news to Mrs. Perceval and to Lady Redesdale. The tidings had spread rapidly. A crowd had gathered about the House and gave vent to savage expressions of joy, and regrets that the Attorney-General had not shared the same fate, for the Prime Minister was considered by the people to have been primarily responsible for the scarcity and high prices of provisions, for the stagnation of trade and consequent unemployment and all the other evils caused by the war, as well as for the opposition the Government had offered to Whig plans for reform. Bellingham was found to be a lunatic: he died convinced he had committed no crime.

The assassination of the Prime Minister sent a shock of horror and indignation through the land. Lord Redesdale lost a relative to whom he was deeply attached. They had been devoted friends before they became brothers-in-law. In the difficult days that had passed each had relied absolutely on the loyalty of the other. Perceval was the Irish Chancellor's confidant to whom he unburdened himself unreservedly and who kept him supplied with public and private news from home. When his actions were attacked in the Commons, Perceval was always among the first to rise in his defence. It was said that the Prime Minister relied too much on his brother-in-law's opinions and viewed all questions through his eyes. The same accusation had been levelled against Lord Hardwicke. It may have been so. Lord Redesdale's character was the stronger of the two, but there is no doubt of the attraction Perceval's

sweet temper, charity, generosity and winning ways exercised on every one with whom he came into personal contact.

"A man," wrote Lord Egremont to Lord Redesdale after his death, "with as less alloy of human defect than I believe ever fell to the lot of any man." His loss, by a sudden and violent death, was one of the tragedies of Lord Redesdale's life.

The large increase of business in late years and the delays and consequent expenses that occurred in connection with almost all law proceedings had been the subject of much adverse criticism, both in Parliament and in the country. The state of affairs in the Court of Chancery had become a scandal. Masters were paid by fees instead of by salary; it was therefore to their interest to prolong a suit, and there seemed no check on expenses or system in management. A Chancery suit often lasted twenty years, and when it was decided the suitors were ruined or in their graves. The simplest causes might linger on for a dozen years. A striking passage in *Bleak House* truthfully represents the ruin and misery caused by Chancery delays at this time! "This is the Court of Chancery, which has its decaying houses and its blighted lands in every shire; which has its worn-out lunatic in every madhouse and its dead in every churchyard; which has its ruined suitor, with his slipshod heels and threadbare dress borrowing and begging through the round of every man's acquaintance; which gives to the monied might, the means abundantly of wearying out the right; which so exhausts the finances, patience, courage, hope; so overthrows the brain and breaks the heart, that there is not a single honourable man among its practitioners who does not give—who does not often give—the warning 'Suffer any wrong that can be done you, rather than come here!'"

On the 1st December Lord Redesdale introduced his Bill for the appointment of a Vice-Chancellor. The delay in the decision of Appeals was a growing evil of enormous magnitude, which put parties to serious loss and inconvenience. The Bill was again warmly debated when it arrived in the Commons, but it passed on the 17th March 1813, and Sir Robert Plumer, the Attorney-General, became the first Vice-Chancellor.

Lady Redesdale's health had for some time been causing great anxiety to her family, and Lord Redesdale gave up much of his parliamentary work, and the vast correspondence and research it entailed, to be with her. She died in Harley Street on the 22nd August 1817 and the blow to her husband was overwhelming. She had never been strong enough to take a very active share in his life, but the constant references to her in his letters show how deep was the love and sympathy between them. Her gentle way and her charity endeared her to every one with whom she came in contact. The death of her little girl in 1811, followed in the following year by the murder of her brother, Spencer Perceval, had been tragic sorrows, bravely borne, but they left her with weakened health and an easy prey to the rapid consumption which finally set in. She left a son, John Thomas, afterwards Earl of Redesdale, then twelve years old, and a daughter. After her death Lord Redesdale's health failed, and though he laboured on bravely amid a mass of parliamentary work his letters imply that the effort was sometimes too much for his strength. The Journals of the House of Lords record his name on most of the important committees; in many of them he did the lion's share of the work and it was said that no one but the Chancellor approached him

in the knowledge he brought to bear on obscure and intricate questions. He was the only law peer who could spare the time to deal with legislative reforms, and, being reported the greatest equity lawyer of the day, his co-operation was eagerly sought for on all matters that required technical, legal knowledge and scholarly, patient research. His memory for dates and all circumstances connected with previous cases was extraordinary.

The movement for reform was gaining strength in the country, and it was the subject of many parliamentary debates. It is impossible to form a correct opinion of the actions of the governing class towards the miseries of the time unless we realize the vast improvements that have since taken place in every department of English life. It was not only the greed of the Great or their incapacity to realize the economic conditions by which they were surrounded that determined their attitude to much of the wretchedness of the time and to many of the crying evils of their day. They often tolerated, and even excused, injustices and cruelties, not because they approved of them, but because they never doubted that the condition of the poor was fixed by natural, immutable laws, with which they must not interfere. Therefore, the existence of a starved, diseased, unemployed and miserable underworld, and oppressions of every kind, appeared inevitable to most of them. Few realized that persons and systems were responsible for most of the conditions they genuinely deplored. It was this conviction that led benevolent men like Lord Redesdale, whose life was spent in endeavouring to forward beneficent legislation, to countenance, and even to advocate, actions which in these days we look back upon with horror and amazement.

Many of the men who led the reform movement were not revolutionary; they were law-abiding citizens, loyal subjects of the King, and they disliked and feared revolutionary doctrines. But as reformers they attacked particular and acknowledged abuses with great courage and ability. In view of the fixed opinions of the governing class they were convinced that rioting was in many cases the only means by which they could force the attention of legislators upon their grievances. It was an attitude adopted, and with considerable success, in the struggle for women's suffrage nearly a century later. But the Tories, who would not discriminate between loyal and honest reformers and lawless revolutionaries, tarred them all with the revolutionary brush, and Lord Redesdale was one of the sincerest and ablest spokesmen of that Party.

Lord Redesdale was considered the leading authority on peerage law, and his work in connection with peerage claims entailed long hours of research, a vast correspondence and much anxious thought. His conclusions made him many enemies among men who were convinced of the justice of their claims and were infuriated at the line he took in opposing them.

There were few people who could give him adequate assistance. John Caley of the Record Commission, was engaged in the work, but he was found unsatisfactory and Lord Redesdale undertook a large share himself.

The Report was printed for the Lords in May 1820. It was the result of careful researches into the constitution of the "supreme legislature of England from the time of the Conquest to the present day."

CHAPTER II

THE war was over, Napoleon a prisoner, and England now stood exhausted, but alone among the nations unvanquished, triumphant, supreme. She dominated Europe, but at home there was misery and discontent. World-wide international finance had been disorganized and the delicate machinery of commerce had been shattered. The impoverishment and unsettled state of Europe reacted heavily on her trade, for her former customers were too poor to buy; with Peace the large purchases of war necessities by the British Government had stopped; and these factors occasioned great distress among the trading community. Markets were glutted with goods; furnaces ceased working; there was a drop in the demand for coal, and thousands of artisans, iron workers and miners were thrown out of work; while the distress in Ireland drove numbers of miserable peasants to try their luck across the Channel.

No topic at this time caused such controversy or excited so much agitation as the corn trade, for on it depended the existence of the people. It was an intricate and difficult question and had been the subject of acrimonious discussion for years. A pamphlet on *An Enquiry into the rise of Prices in Europe*, by Arthur Young, Secretary to the Board of Agriculture, had been published in 1813 in reply to frequent demands for information, and also for the instruction of the public, who were profoundly ignorant on the matter. In it he says (p. 165): "When I found that all improvements in the agriculture of the kingdom were

represented as nationally mischievous and a deviation of capital from good to bad employments and landlords and farmers described as a race of men who had for twenty years been thriving at the expense of the whole class of consumers, I felt the necessity of examining, as well as I was able, into the progress of prices in other parts of Europe." He quotes figures to show that during the latter part of the 18th century and the first years of the 19th prices had risen far higher in other European countries, and this in spite of the fact that our enormous taxation had no parallel on the Continent. After careful examination of the whole subject he concluded that the relative cheapness of corn was owing to the capital invested in agriculture and to the great improvements in cultivation which had taken place during the last twenty years, and that if any party had a reason to complain it was not the consumer but the farmer.

When the subject came up for discussion in Parliament the general excitement reached fever pitch. The people thought their legislators were playing them false and riots broke out all over the country. Members were attacked on their way to the House and the military, under the command of a civil magistrate, kept order round its precincts. The debates led to angry discussions between members who advocated a duty on foreign corn as a protection to a home industry which sorely needed it, and their opponents who regarded the duty as an extra tax on the people for the advantage of the farmers. The results produced by the corn laws had proved a disappointment; the year's yield of grain was deficient and inferior; European crops were also scanty and bad. The farmers had lost heavily; many were ruined and farms given up. Conditions were particularly bad in the north of England.

"Two letters I have received from Northumberland," Lord Redesdale wrote to Warren Hastings in September 1816, "speak of that country as in a dismal state; many of the farms wholly ruined and others reduced from great opulence to a state of comparative indigence. Rents in that country have fallen in many cases one fourth and I should not be surprised if they were reduced one half for want of capital to cultivate and stock the farms." The agricultural labourers in their thousands joined the great army of the unemployed, and the re-absorption of numbers of ex-service men into the paralysed life of the community added to the difficulties of the situation.

Lord Redesdale took a leading part in the debates. He contended that to encourage the growth of corn at home was for the advantage of all classes of the community, and he emphasized the importance of securing a greater production of wheat as a matter of precaution. He resolutely opposed many of the petitions that poured into Parliament, considering them as merely seditious libels, the object of the petitioners being to circulate mischievous propaganda in this way when they could not do it in any other. He took the opinion of the agricultural men of his acquaintance and the result, added to that laid before Parliament, seemed to show him that every farmer who was now afloat on borrowed capital, or who had raised money on mortgage, even one half of his capital on the land, or otherwise, must without extraordinary assistance be inevitably ruined. He thought the distress of the agricultural classes arose from temporary causes which in a short time would cease. He pointed out that fifty years ago the principle then applied to farming was that the produce was divided by thirds—a third went to the landlord for rent, a third to the farmer and a third to pay the expenses

of cultivation—but for the last twenty years this system had been completely changed and the produce was now by skilful experts divided into fifths, of which three-fifths went towards cultivation and the remaining two-fifths were divided between the landlord and the farmer. But every day the distress became more apparent and over 500 petitions were laid upon the table of the House of Commons during the last session of 1822. A Corn Importation Bill struggled through both Houses. Lord Redesdale was convinced that the measure would be productive of no good and that the time was inopportune for bringing it forward.

“‘We do wrong’ he wrote to Lord Colchester in September 1822, ‘to estimate by pounds, shillings and pence; the true estimate of the value of landed property is, what will a bushel of corn, a pound of meat or a tod of wool buy. All these articles will not buy above a third of many necessaries which they would buy even in 1755: and they will scarcely pay one-tenth of the public taxes, poor rates, road rates, county rates, etc. Fifty years ago I could buy a pair of shoes for a bushel of wheat; now I must give five bushels of wheat for a similar pair. This is the immediate distress of the landlord, as well as of the tenant. But the tenant has often other difficulties to contend with. His credit is gone: if he owes money he has been called upon to pay the debt; the stock which some years back cost him £1,000 was reduced in value, almost in an instant, to one-half; and if he had borrowed half his capital, his whole stock would not pay the debt. The farmers of Great Britain were thus reduced at one blow from affluence to beggary. . . . The cultivation of the country is suffering and in the end the land will not produce food for the population it has raised. The population has increased in little more than a hundred years from between five and

six million to between fourteen and fifteen million. . . . Our Ministers do not look upon this subject as statesmen, either with a view to the strength or the constitution of Government in this country. Both in my opinion are in great peril' ".¹

As time passed on the position grew worse. The poor rates in some parts of England increased 50 per cent and large sums were subscribed to keep the workers from starvation. Serious riots occurred in the north of England, where conditions were particularly bad; machines were destroyed; shops were looted, and the military were employed to protect life and property. Lord Redesdale opposed a Bill investing Ministers with discretionary power during the approaching recess to admit foreign corn at a fixed duty, because its object was to impose a tax upon the agriculturist for the relief of the manufacturer. He had no objection to a general tax for that purpose, but he protested against a partial tax. He maintained that to ruin the agriculturist for the benefit of the manufacturer would injure both classes without relieving either. The first care in every country ought to be its agriculture, for from it the population arose and from the population arose the manufacturer: therefore to cause distress among the agriculturists, such as had existed some time ago, when the importation of corn had ruined more than half the farmers, could not be beneficial to the manufacturers. If the capital of the agriculturist was reduced in this country, the injury to the manufacturers would be extreme. He had lately talked with a man who had made inquiries in different parts of the country as to the means which farmers possessed of paying their rents, and he learnt that out of

¹ *Diary and Correspondence of Lord Colchester* (op. cit.), III, 256 *et seq.*

200 capital farms not more than ten were fully stocked, and that about 100 were only half stocked, and this want of stock must produce a defalcation of corn. He was no enemy to free trade. He always maintained it was a good thing in theory and would be so in practice if all countries would agree to it, but so long as Great Britain acted on that principle and other countries did not, what was called free trade would be injurious instead of beneficial to the best interests of the country. Such conflicting statements were made in the Commons regarding imported corn that the peers appointed a Committee, of which Lord Redesdale was a member, to inquire into the quality and the prices paid for corn received from abroad. Lord Redesdale also disapproved of the efforts of the Government to obtain a permanent settlement of the corn controversy by a sliding scale system, which he considered speculative; and in a debate in the Lords he pointed out that it was a temptation to speculators to search the world where they could get corn cheapest, and then, after making the discovery, to import it in quantities into this country. He felt convinced that the effect of such a system must be ruinous to the agriculture of any nation, and particularly of a nation situated as we were, and he opposed a Bill for the purpose as wholly inadequate and calculated to produce more harm than good. But the Bill was passed, and this long controversy, in which Lord Redesdale had taken so large a share, was closed for the rest of his life.

George III died in January 1820 and in June the peers received the following message from the new King:

“The King thinks it necessary, in consequence of the arrival of the Queen, to communicate to the House of

Lords certain papers respecting the conduct of her Majesty since her departure from the Kingdom, which he recommends to the immediate and serious attention of the House. The King has felt the most anxious desire to avert the necessity of disclosures and discussions, which must be as painful to his people as they can be to himself, but the step now taken by the Queen leaves him no alternative. The King has the fullest confidence that in consequence of this communication the House of Lords will adopt that course of proceeding which the justice of the case and the honour and dignity of his Majesty's Crown may require".

Lord Liverpool then laid a bag on the table which contained the papers referred to. Lord Castlereagh conveyed the same message to the Commons.

Two days later the House balloted for fifteen peers to form a secret committee to examine the papers, and Lord Redesdale was among those elected. Both Houses undertook the proceedings with intense reluctance. Every effort was made by the Commons to stop the case and the Lords postponed action in the hope of their success. The Queen protested her innocence, dauntlessly challenged investigations, and asked to be heard in her own defence. As this request was refused she presented a petition on which a debate took place. The sordid details of the trial fill a volume of Hansard and are well known. Lord Redesdale's part in it is all that concerns us here; the influence of his powerful personality was strongly felt throughout the proceedings.

All efforts at reconciliation having failed, the Secret Committee met and reported to the House that as the charges concerned the dignity of the Crown, the honour of the country and the character of the Queen, they ought to form the subject of an inquiry, the need for which was

deeply deplored. The following day Lord Dacre presented another petition from the Queen, praying to be heard through her Counsel on the Report. Lord Redesdale pointed out the difference in the circumstances between the Queen's last application and the present one. In the former case there was a proceeding before the House which her Majesty prayed might be abandoned: in this case there was none. The present petition prayed that the Queen might be heard by Counsel on certain facts necessary for her future defence. If their lordships agreed to hear Counsel on so indefinite an application, how could their arguments be limited? They might talk of everything or anything that they might consider necessary for the Queen's future defence. Her application was refused, and a Bill was introduced to deprive her of her titles, rights and privileges and to dissolve her marriage with the King. The Queen protested at every step and again petitioned that her Counsel might be heard. Leave was granted, but the Peers decided to proceed with the Bill. The Queen had announced her intention of being present at the trial. The coronation had been postponed, and as the Lords allowed the evidence to be published in the morning papers the people were kept well supplied with details, and the excitement throughout the country was intense.

At twenty minutes to ten on 17th August (1820) the Lord Chancellor entered the House, the Chief Justices and the Justices took their seats and the House was called over. While this was being done the cheers from the crowds outside announced the arrival of the Queen. In silence the peers rose to receive her. She bowed to them and took an arm-chair placed for her on the right of the throne. It was a tense moment: the opening scene of the chief act in a great national drama.

Early in November Lord Redesdale concluded a long debate on the question of whether the Bill should be read a second time. The evidence in support of the Bill, he said, was so full and complete that there could be no doubt in anyone's mind of the guilt of the accused. He had examined it most carefully, and the impression on his mind was that this case was more fully proved than any case which he ever remembered in which any degree of contrariety was apparent. Grounds had been laid in this infinitely beyond those thought sufficient to support any ordinary Bill of divorce. He begged the House to consider the consequences of not adopting this measure or some other of a similar effect. Her Majesty might demand her rights, and could there be any doubt that she would demand them? She would have a right to hold a Court. Was that Court to be held as other queens have held it, dependent on the King, or was it to be held in opposition to the royal authority? Was it to be a Court at which all the nobility and rank of the country were to visit, or was it to be visited by a different description of persons? She might also require the performance of the ceremony of coronation; she might consider that one of her rights. It seemed to him that on these grounds the House was bound to ascertain whether the person claiming these rights was, or was not, worthy of them—whether, taking it as an office, the Queen had not forfeited her right to that office. She was a public and political character and so the House ought to view her in connection with the throne.

It had been suggested as a reason against the present proceeding that it might not pass in another place. Be it so. But its being thrown out in another place would not be a tenth part so mischievous as its being thrown out

by their lordships. Much had been said of the discontent which existed in the country. He did not believe that the people's clamour was as loud as it was represented to be; but if such was the case, they were called upon to act with more than ordinary firmness. So far from withdrawing from the proceeding, they were bound, if they believed the Queen guilty, to show to the world that they were determined to pass the Bill and to send it to the other House, who would do as they wished with it, but it would be for the public to judge to which House the most credit was due. On these grounds he should vote without hesitation for the second reading of the Bill. This was carried by the small majority of 28, 213 peers being present.

The House having resolved itself into a Committee on the Bill, the debate on the divorce clause was resumed. Lord Redesdale reminded the peers that while marriage was both a civil and a religious contract it was also in the nature of a religious vow, and from that vow no human power could relieve the parties. The only question was, whether by the adultery of the wife that vow was not discharged as to the husband. But as marriage was a civil contract, it affected other parties besides those who contracted; for instance, the children born of the wife. A divorce was to regulate the civil rights and so far only did any divorce clause in any Bill properly extend. He therefore thought the objections to this clause arose chiefly from a misconception of the nature of a divorce Bill. If marriage were merely a common contract, the two parties might discharge it themselves, but the contract of marriage was one in which other parties were affected, and even the whole State. He asked how they could substitute anything instead of the present clause which would

not in effect be a divorce clause? It was manifestly improper that a person in the degraded state in which it was proposed to place Her Majesty should remain wife of the King. The Queen Consort was a public character and it was due to the Public that a person so degraded should not continue in that position. The clause "That the Divorce Clause stand part of the Bill" was then carried by a majority of 67.

The third reading of the Bill took place two days later, when the majority was reduced to 9. In consequence, and also owing to the unpopularity of the proceedings, it was felt to be inexpedient to press the matter, and Lord Liverpool moved that further consideration should be deferred for six months; in other words that the Bill be dropped. The peers consented without a division. Subsequent events proved how correct was Lord Redesdale's intuition and foresight. Much trouble and humiliation, both for King and people, would have been spared had his views found acceptance. The firm stand he took was greatly appreciated. We read that Lord Colchester's presence in the Lords was desired "to support the good law of the Chancellor and Lord Redesdale against the forgetfulness or perversion of law by Lord Erskine."

The Lord Chancellor thought that the Bill should either have been rejected or passed and that the action of the peers was beneath the dignity of the House of Lords.

"We have upon our Journals four different resolutions, all founded upon our avowed conviction of her guilt, and then neither to withdraw the resolutions nor to act upon them, appears to me perfectly absurd, and both to the country and to her, unjust. We condemn her four times; she desires at our bar that we will allow her to be

heard in her defence before the Commons; we will neither do that nor withdraw our condemnations, for though the Bill is withdrawn the votes of condemnation remain upon our Journals. This is surely not pretty treatment for a lady".¹

¹ H. Twiss, *Public and Private Life of Lord Chancellor Eldon* (1844), II. 399.

CHAPTER III

IN August 1821, the month following his coronation, George IV paid a visit to Ireland, where he was very affable to all classes and was received with friendly—even loyal—acclamations. O'Connell, on bended knee, presented him with a laurel crown and an address from the citizens of Dublin, and assured him that when he came among them "discord ceased and every prejudice fled. Your Majesty has banished every bad passion and united six millions of a grateful people in a bond of brotherly love to one another and of affectionate attachment to your Majesty's person and Throne."

Statesmen in England, however, doubted the honesty of these protestations. It was rumoured that the office of Lord Lieutenant was to be abolished. Lord Redesdale strongly disapproved of the idea. "If the Court of the Lord Lieutenant were removed," he wrote to Lord Eldon, "few of the gentlemen who remain in Ireland would continue there. The Court at Dublin also contributes to the civilization of Ireland by introducing something of good manners among those who frequent it,"¹ and he elaborates his views on the office of a Lord Lieutenant in a letter which will be read with interest to-day.

"The visit (of George IV) to Ireland I always thought imprudent; and the conduct there *very* imprudent. It was to me ridiculous to find O'Connell a flaming courtier; and I had no doubt of the sequel. Ministers have fancied

¹ *Ibid.*, p. 442.

that Ireland would do better without a Lord Lieutenant, and some of them have called his office a useless pageant. But under the present circumstances they would govern the colonies as well without governors, as they can govern Ireland without that pageant. If the pageant is useless, it is because they make it useless; because they give him a secretary to thwart him, or to be a viceroy over him. The office of Lord Lieutenant requires, in my opinion, a considerable portion of ability, sound judgment, discretion, firmness, good temper, and conciliating manners. Such a Lord Lieutenant ought to be supreme. If Ministers think fit to appoint to such an office a man wholly unqualified for it, they must put him in leading strings, and give him a secretary with all the qualities which the Lord Lieutenant ought to have, and moreover with a disposition to conceal, rather than to display, his power over his superior—to lead and not to command the Lord Lieutenant . . . In England the machine goes on almost of itself; and therefore a very bad driver may manage it tolerably well. It is not so in Ireland. That country requires great exertion to bring it to a state of order and submission to law. The whole population, high and low, rich and poor, Catholic and Protestant, must be brought to obedience to law: all must be taught to look up to the law for protection, and to treat it with reverence. The character of the gentry, as well as of the peasantry, must be changed; the magistracy must be reformed. There must be no such sheriff as Sir V.C., whose letters you may remember to have seen in an appeal case in the Lords; no such justices of the peace; and the principal nobility and gentry must be prevailed upon to act as justices of the peace, as they do in England, and to attend the Quarter Sessions. The gentry are ready enough to attend grand juries to obtain presentments for their own benefit, but they desert the Quarter Sessions of the peace. The first act of a constable in arrest

must not be to knock down his prisoner; and many, many reforms must be made, which can only be effected by a judicious and able Government *on the spot*: Ireland, in its present state, cannot be governed in England. The final administration may be controlled here; but the general executive government must be under the immediate control of an administration on the spot—seeing and knowing accurately and minutely all the exigencies of such a government, the means of effecting changes, which must be operated gradually, by persuasion, by the working of the minds of the people—and with a prompt and ready hand to control and instantly to put down every obstacle to the cause of reform. . . . If insubordination compels you to give, how are you to retain by law what you propose to retain, whilst insubordination remains? It can only be by establishing completely the empire of the law that you can retain what the law authorizes you to retain. The physical force is with those who will disobey the law: it is only by supplying the defect of physical force by political power, that you can retain men in obedience to law, who are disposed to break it, and have the physical force necessary to support them in disobedience”.¹

From this time onwards, until the final victory eight years later, the “Roman Catholic Relief” question came into ever greater prominence. Though well supported in the Commons it was unpopular throughout England, and the Lords, who often gauged the national feeling more accurately than their brothers in the Lower House, had thrown out Bills sent up by the Commons time and again. Debates on the subject were hardy annuals that cropped up without fail in both Houses, to the weariness of legisla-

¹ *Ibid.*, pp. 443-4.

tors who were well acquainted with every argument on either side. A debate in the Lords rarely passed without Lord Redesdale's expressing his views at length and with much force. He invariably opposed any measure calculated to increase the power of the Irish Roman Catholic clergy, and his gloomy prophecies of the dangers of granting them fuller religious concessions carried weight with the peers. His main arguments have already been given and need not be recapitulated here. In other directions he took a lively and sympathetic interest in Irish Affairs and seldom lost an opportunity, either public or private, of elaborating his views on the only means by which she could attain to peace and prosperity. The judicial mismanagement which was rife throughout the country received his sternest censure. In 1822 he remarked that he "had been acquainted with Ireland for twenty years and he was sorry to say that there existed two sorts of justice, the one for the rich and the other for the poor, and both equally maladministered."

The shouts of loyalty for the King had hardly died away and His Majesty had barely returned to England when disorders and outrages broke out with a violence never known before. The land was ravaged by famine, and many crimes were committed by the starving peasantry that they might be housed and fed in gaol. Tortures, assassinations and robbery were of daily and nightly occurrence. Oaths were taken to refuse the payment of tithes, rents and taxes, and the magistrates declared they were powerless without the help of the military. The jealousies and quarrels between the upper classes and the lawlessness of the lower "made a great part of the island a tempestuous scene of violence, iniquity and disorder." Lord Wellesley had succeeded Lord Talbot as Lord Lieutenant; his conciliatory attitude to the Roman

Catholics had infuriated the Protestants. Matters reached a climax when the Viceroy was publicly insulted on his way in state to a Dublin theatre. Coarse notices, distributed through the house, had prepared the audience for trouble, and his entrance was greeted with yells, curses and hisses, which increased in violence as the play proceeded, and culminated in the flinging of a bottle and the portion of a rattle at his box. About forty men were implicated and two were charged with the attempt to murder the Viceroy. The disturbances were evidently part of an arranged plan to show public disapproval of his actions, but there was no evidence to sustain the charge of attempted murder—by means of an empty bottle and a broken rattle—and it was withdrawn. The occurrence, however, was magnified in England out of all proportion to its importance and it caused great indignation among the strong anti-Irish party. Lord Redesdale considered the Government had made themselves ridiculous over the affair.

“... You will have seen the result of a Commission for trying the persons charged with a conspiracy to assassinate the Lord Lieutenant of Ireland,” he wrote to a friend. “I had letters from Ireland which I thought prognosticated the result. The extravagant tone in which the business was taken up seemed to my correspondent to be likely to produce what happened. A simple proceeding for riot and assault, and that assault charged as highly criminal, and applied to the Lord Lieutenant, would probably have met with a different fate; but to talk of treason and a treasonable conspiracy appeared to all moderate people ridiculous; and I apprehend His Excellency has been considered as talking too much. I understand that John Bull has been facetious on the subject. The result will probably be that the two parties will become more violent than

ever. . . . I cannot conceive how any man of sense and observation can suppose that what is called Catholic Emancipation would produce peace in Ireland, unless it lead to transferring the establishment to the Catholics. . . . The late Lord Petre gave me a hint on the subject, when he told me that he steadily held to the maxim of the English Catholics, to avoid all political connection with the Irish because the *Views* of the two bodies were different. 'We,' he said, 'can have no *hope* of making England Catholic, but the Irish still hope; and they will ever be a mill stone hung on the necks of the English Catholics. It is our obvious policy, therefore, to keep ourselves as separate as possible from the Irish Catholics.' His reasoning was not in one respect very sound, as he must have been conscious that to the Roman Catholic religion the success of the Irish must be important. . . ."¹

The Duke of Devonshire urged the concession of the Roman Catholic demands and that the burning question of tithes should be readjusted. A few days later a motion was brought forward in the Commons to abolish the office of Viceroy, chiefly on account of the great and increasing expense. It was stated that at the Union the cost to Great Britain of the military establishment there was £510,000; it was now £1,500,000 and during 1822 the actual cost of Ireland amounted to £3,098,826. A Commission was asked for to inquire into the whole matter but the motion was negatived without a division.

Towards the end of the summer and on into the early autumn outrages increased in number and brutality. Lord Redesdale was for drastic measures, and in October (1823) he wrote from Batsford:

¹ *Diary and Correspondence of Lord Colchester* (op. cit.), III, 267.

"I think the state of Ireland at this time most perilous. I am strongly persuaded that a firm and proper Government upon the principles which I pressed upon Lord Hardwicke after the disturbance in 1803 would have done much in the lapse of twenty years towards introducing good order into that country; but the Government then was not adapted to the steady pursuit of any measures, the secretaries having been changed not less than four times between 1803 and the retirement of Lord Hardwicke, 1806. . . . It is idle to talk of ameliorating the condition of a people not obedient to law until they shall have first been made obedient to law".¹

Much of Lord Redesdale's time was taken up in hearing appeals, and their growing accumulation had always been a source of annoyance to him, in the interest of suitors, to whom delay was a great, often a ruinous, expense. He was constant in his own attendance but the peers so neglected their duties in this respect that in 1812, when the arrears of Appeals and Writs of Error were over 270, he had advocated the adoption of a measure which would compel their morning attendance for three or four days in the week. This measure had been adopted the following year and it was hoped that the number of appeals would soon be so reduced that the Lord Chancellor would be able to devote more time to the business of his own Court.

Ten years had now passed, but the accumulation was greater than ever. In April (1823) a Committee was appointed, of which Lord Redesdale was a member, to consider the best means of dealing with the subject. He spoke strongly there on the great evils of the large and increasing accumulation of appeals, especially from Scotland, and suggested possible remedies. The following

¹ *Ibid.*, p. 302.

month, instructions were issued for a Commission in Scotland to consider what improvements could be effected there and a sub-committee was appointed, on which Lord Redesdale also sat. Their work resulted in the production of a voluminous report in which they discussed at length the causes which produced the accumulation of arrears. They found that the number of Appeals from Scotland were among the chief causes, and that besides being more numerous they also occupied a larger share of the time. The suggestions made met with considerable opposition in the House of Commons, where a strong appeal was made by Mr. Brougham for the final jurisdiction of the Lord Chancellor in Scotch cases. The professional men of Scotland, he said, had the highest confidence in the learning, skill and integrity of Lord Eldon, with whom he coupled Lord Redesdale, "whose attention to subjects of appeal was unremitting. Nothing therefore, could be less satisfactory to the Scotch than to be deprived of the advantage of having their causes determined by individuals of such high station and character." The Committee also proposed the allotment of five days a week instead of three to the hearing of appeals and enforcing the attendance of the necessary number of peers. The last suggestion was necessary, as the peers found the work uninteresting and it was difficult to get them to attend. The Lord Chancellor humorously criticized their conduct in this respect in a letter to his daughter:

"This afternoon was employed in balloting for lords to attend the Scotch causes as long as they should endure this session. It was amazing, in counting and calling them over, how many, looking fresh and lively, excused themselves as over seventy; how many, who looked rosy and well,

excused, or sought to excuse, themselves on account of very infirm health; and how many, figuring off daily in Hyde Park and the Green Park, could not, without fatal consequences, bear three or four hours' confinement—unless it was confinement for five or six hours at White's or Boodle's at night. However, we fixed enough lords to serve till the 12th July at three lords a day".¹

The vast increase in the business of the Court of Chancery, in which, during the last reign the property of suitors had risen from £4,700,000 to over £33,000,000, had also greatly increased the number of appeals, taking up more of the Lord Chancellor's time in his own Court. The Committee therefore proposed the appointment of a Deputy-Speaker, who would take his place and give the necessary time and attention to the decision of appeals which came to the House of Lords from Great Britain and Ireland; and it was impressed upon Lord Liverpool from influential quarters that Lord Redesdale was "the only fit person for such deputy-speakership." It is doubtful whether Lord Redesdale would have accepted the post, for he was contemplating retirement. He was now over seventy-five and the incessant work was proving too much for his strength. In July 1823 he wrote to a friend:

"Urgent business has long required my presence here and I became very impatient for leave to depart. The judicial business of the House alone detained me so long. The part which I have taken in that business has become a burthen too heavy for my age and I feel I must soon give it up. The urgency arising from an accumulated load of appeals has also detained me from that retirement which my years and the state of my health lead me most anxiously to wish

¹ *Life of Eldon* (op. cit.), II. 486.

for. . . . Liberty [? Liberty] is the word of the day. That word produced twenty years of confusion and misery in France; it threatened Italy, Spain and Portugal and produced much mischief in all those countries. It still threatens France; it annoys Germany; it has spread into Russia and it is seriously threatening the British Empire with the overthrow of all its ancient institutions, by which it has hitherto flourished. It means anything or nothing at the will of those who use it, and it agitates weak minds and produces that sensibility so admirably ridiculed in the print of the Goddess of Reason, weeping over a dead sparrow and trampling on the guillotined head of Louis XVI. . . ."¹

The appointment of a Vice-Chancellor to expedite the business of the Court of Chancery had not the desired effect. Suitors were still obliged to wait an inordinate time to have their claims adjudicated upon; expenses were as great as ever. The state of affairs had become such a public scandal that a Commission had been appointed in 1824, of which Lord Redesdale was a member, to investigate the whole matter. Its researches covered a wide field and involved careful inquiries into a vast and intricate system. The position was complicated by the open hostility of a powerful party to the Lord Chancellor. He was referred to in the Commons as "the curse of the Country," and statistics were quoted to prove "awful truths" against him; "£8 17s. 6d. cost for each pound of debt recovered; a suit kept alive for thirty-two years and only expiring with the litigants themselves; seventy-five judges in bankruptcy, all appointed by the Lord Chancellor and not doing the business of half a dozen; sixty-six persons under the name of Six Clerks and Court

¹ *Colchester Diary* (op. cit.), III. 300.

Clerks, all jostling each other in a general scramble for the ill-starred suitors' money." Even *The Times* descended to personal abuse and described Lord Eldon as the everlasting demon of the woolsack, who overhung the Court like a perennial nightmare.¹ All abuses were attributed to his production or protection.² Lord Redesdale deeply resented these attacks upon his old friend, which he considered unjustifiable, believing that the causes of the evil—which he did not deny—lay elsewhere. He withheld his name from the signatories to the Report, but an anonymous pamphlet ("Considerations suggested by the Report . . . regarding the Court of Chancery"), of which he was immediately recognized as the author, appeared. For the unnecessary delays and expense he blamed the solicitors, whom he regarded as "too powerful and too numerous to be effectually controlled." He made various suggestions to hasten the despatch of business and to reduce the excessive charges, the most drastic being "by establishing taxers of all suits in law and equity and of all solicitors' bills for business of any description," who would be empowered to enquire into the length of any drafts which might appear to them to be unjustifiable.

The barristers were also severely criticized. Speeches of Counsel, to whom the mere reading of the mass of material submitted to them was often a heavy task, made up by quantity what they often lacked in quality. Judgments were too long and so were the reports on them, for he thought redundancy was the vice of the age. Acts of Parliament were too long and so were the speeches dealing with them.

An article on Lord Redesdale's pamphlet appeared in the March (1827) issue of the *Edinburgh Review* and was

¹ *The Times*, 10. 6. 1825.

² *The Times*, 22. 10. 1825.

attributed to Brougham. In a footnote he chaffed the writer on his criticism of the length of Counsels' speeches. "We are quite sure," he wrote, "that his Lordship is much too good-natured a man to be angry if we remind him that long speaking at the Bar is not quite a modern invention. We recollect to have heard of a certain learned Solicitor-General who took eight or nine hours to his share in one trial in 1795." Lord Brougham doubted whether Lord Redesdale's suggestions would meet the case, "but that something should be attempted in conformity to the ideas of Lord Redesdale is, we think, perfectly clear."

Lord Liverpool had a paralytic and apoplectic seizure early in 1827 and Canning became Prime Minister in his stead. Canning died in the following August, and a Ministry was formed by Lord Goodrich which lasted till January (1828), when he was succeeded by the Duke of Wellington, with Peel as leader of the Commons.

The question of Roman Catholic Emancipation now over-shadowed all others in public interest. In Ireland, where the agitation had been of long standing, the situation had become so acute that the delay in its settlement threatened to involve the country in civil war. The Catholic Association had been formed in 1823 and, skilfully led by O'Connell, had become all-powerful. At the opening of Parliament in February 1825 the attention of members had been again called to the unconstitutional proceedings of both Roman Catholic and Protestant societies in Ireland, notably the Catholic Association and the Orange Lodges, whose riotous meetings were among the main causes of the unrest and bitter religious animosity that prevailed throughout the country. In England events were moving slowly but surely. The Bill repealing the

Test and Corporation Acts (1828) was a long step forward. These Acts excluded dissenters from the Church of England from offices of power and from all corporations, unless they consented to take the Sacrament according to the rites of the Anglican Church. It was now proposed to abolish the sacramental test and to substitute a simple declaration to be made by those who should be appointed to the offices where the test had hitherto been required. Lord Redesdale was then in his 80th year and in failing health, but he drove up from Batsford to oppose the Bill on the ground that "The Constitution compelled the King to be a member of the Church of England; he was also compelled to take an oath in which he swore to support the Church of England as by law established; and yet they were by this Bill about to provide that every one of his Ministers and confidential advisers might belong to a different Church or profess another Faith." He spoke several times on the subject and strongly protested against the enactment of the measure. After much opposition the Bill passed the Lords, and with nine other peers he entered a protest against it in the Journals of the House.

There had been comparative peace in Ireland on the subject during the four months of Canning's premiership. He was known to be friendly and great things were expected of him, but disturbances broke out afresh at his death. On the 9th June 1828 the Lords rejected a resolution passed by the Commons to consider the state of the laws affecting the Roman Catholics of Great Britain and Ireland with a view to a final and conciliatory adjustment, and their action roused indignant Ireland to fresh violence in the cause.

In the following letter, Lord Redesdale compares the

position of the Roman Catholic Church in Ireland with its status in foreign countries.

“Sept. 6th, 1828.

. . . In those foreign countries where Catholics and Protestants are said to live together in unity the Catholics have their church establishment. Such is the case in the Russian and Prussian dominions, in Poland, Silesia, etc. But the Government is supreme over all; they have no Catholic members of Parliament. Catherine of Russia and Frederick of Prussia gave the law to all and suffered no interference of the Court of Rome but under the sanction of their authority. In this country the limit of the power of the Crown does not admit of the same control. It is impossible to put the Catholics and Protestants of Great Britain and Ireland on the same footing with Catholics, Protestants and Greeks in Russian or Prussian Poland or in Silesia and other countries where the religions have, in separate districts, distinct establishments. There is no resemblance between the state of religion of Great Britain and Ireland and the state of religion in the Russian or Prussian or Austrian dominions or in the Netherlands or now in France. The example of those countries is, therefore, no example to us. . . .

In Ireland the Catholic clergy are independent of the laity of their own Church to a degree which never existed in any country except, perhaps, the Pope's temporal dominions; and I believe that even there the clergy are not so wholly independent of the laity as the Catholic clergy of Ireland are independent of the Catholic laity. And even in the patrimony of St. Peter the clergy are dependent on the *Government* of the country, though the Government is in the hands of ecclesiastics. The Court of Rome is jealous of its temporal power over its immediate subjects and distinguishes its temporal from its spiritual

power and is not disposed to allow its priests, as such, to interfere with its temporal authority".¹

The next day he replied to a letter from Sir John Sinclair, formerly President of the Board of Agriculture, who had circulated among various eminent men a plan he had drawn up for promoting peace in Ireland—one of his many Utopian schemes.

"... With respect to Ireland generally, and with regard to the Catholics particularly, the Government of Ireland has at all times been very ill conducted. As the Attorney-General of James the First said, 'Ireland was never fully conquered, and was never made duly obedient to law'. When the constable cries 'stop thief,' the people cry, 'stop the constable.'

Mr. Pitt, Mr. Fox and every Minister for the last forty years and more, have constantly, grossly mismanaged with respect to Ireland. The first blunder was in Lord Townshend's lieutenancy, when, to get rid of the Ponsonbys and that faction, Lord Townshend set up the Beresfords and that faction, and handed over Ireland from the former to the latter. The Ponsonbys and their faction, before that time, called themselves the head of the Protestant interest, and ruled Ireland as they pleased. When deprived of their power, they turned round to the Catholics, and became advocates of Catholic emancipation. Had the Lord Lieutenant had the good policy, when he had knocked down the Ponsonby faction, to play the two factions against each other, allowing the Ponsonby faction a fair share of interest and power, they would not have turned Catholics. But, like Satan, they thought it better to reign in Hell than serve in Heaven, and they have in consequence played the very mischief in Ireland".²

¹ *Life of Eldon* (op. cit.), III. 567.

² J. Sinclair, *Memoirs of . . . Sir John Sinclair* (2v. 1837), II. 329.

The controversy now entered upon its final stage. A few days before the opening of Parliament it was rumoured that the Government had at last decided to concede the Roman Catholic claims, and the report was confirmed by a passage in the King's speech advising the revision of "the laws which impose civil disabilities on His Majesty's Roman Catholic subjects and to consider whether the removal of those disabilities can be effected consistently with the full and permanent security of our establishments in Church and State." The agitation for and against concession was renewed with even greater force; there was much excitement all over the country and petitions poured in. One petition is especially interesting, viewed in the light of the present day. It was presented apologetically by Lord Eldon, who confessed he did not know how to deal with it, for it was signed by *a great many ladies*. He was not aware that there was any precedent to exclude ladies, but he would search the Journals and see if any existed which prevented ladies from sending up their expostulations against proposed measures which they considered harmful to the Constitution. Lord King enquired whether the petitioners were young or old ladies. Lord Eldon gravely replied that he had no information on that point, but "there were many women who possessed more knowledge of the Constitution and more common sense than the descendants of Chancellors." Lord King felt sure that the sentiments expressed in the petition were those of the old women of England.

A Roman Catholic Relief Bill passed the Commons without difficulty. The attention of Great Britain and Ireland was now focussed on the recalcitrant Lords. Lord Redesdale spoke several times during the debate. His Church and State orthodoxy had been scandalized beyond

measure by the Repeal of the Test Act which, with the now inevitable Roman Catholic Emancipation, he regarded as the virtual disestablishment of the Church whose interests he had defended so faithfully during his long life. Apart from its spiritual aspect, he regarded the Anglican Church as a great national institution, closely bound up with the development and destiny of the English people.

The final struggle began on 2nd April (1829) over the second reading of the Bill, and public interest was so great that crowds collected round the door of the House from an early hour and order was with difficulty maintained. Once again, and just before the division on the second reading, the old man rose to make his final protest, with all his failing strength, but his voice was weak and it was only after much effort that he partially succeeded in fixing the attention of the excited men around him. His speech was nearly inaudible from the noise, and it had no influence on an assembly where the old order was rapidly giving place to the new. The second and third readings were carried by substantial majorities and Lord Redesdale, with many others, entered his protests in the Journals of the House.

With the passing of the Roman Catholic Relief Bill, Lord Redesdale's active Parliamentary life was practically ended, though he still took a keen and intelligent interest in the political questions of the day, and he occasionally took part in debates to within a few months of his death. His last speech in the House, where he was so venerated a figure and in whose activities he had taken so large a share for over twenty years, was delivered on the 21st May (1829) on the third Reading of the Suitors in Equity Bill, when he pleaded for its withdrawal on the ground that it

required more consideration than it had received. He was still on numerous committees and his co-operation was eagerly sought for when any matter which involved great legal knowledge had to be decided. Townsend gives a vivid picture of the old man at this time which is very pleasing:

“I remember seeing Lord Redesdale, then eighty years of age, conducting Miss Turner’s divorce bill from Gibbon Wakefield through the House of Lords. He was looking round and rubicund, and presenting the appearance of cheerful old age, ‘frosty, but kindly,’ of which our peerage affords more numerous examples than any other nobility in Europe. He had a look of good humoured intelligence, that bore no approach to weakness, the model of a hearty old gentleman, such as all who knew and admired the passages of his life, as lovely and of good report in private as useful and estimable in public, would have wished him to appear”.¹

Gradually his mind and his health failed, and he passed away peacefully at Batsford on the 16th January 1830, in his eighty-second year.

It is difficult for a kinswoman impartially to appraise his value. In studying the records and letters which bear on his life and work, his flawless integrity, loftiness of purpose, moral courage and industry are, perhaps, the qualities which stand out in the greatest prominence. His long life of crowded hours, passed during one of the most momentous and tragic periods of our history, was wholly given to the national service. He takes his place among the many Englishmen of high character and administrative

¹ W. C. Townsend, *Lives of Twelve Eminent Judges* (2v. 1846), II. 189.

ability who have tried in vain to help Ireland, and have returned discredited home. As Lord Chancellor he was assailed with unscrupulous malignity, and his self-control and forbearance, under almost intolerable provocation during those years of struggle and disappointment cannot fail to win respect and admiration. The Tories minimized the wrongs of Ireland; the Whigs magnified them: Lord Redesdale was among the few who viewed them in their true proportion, and for this he was criticized by the extremists of both parties. During his life the world was changing rapidly. He represented a national type which has almost passed away, and his honest and consistent convictions appear occasionally as strangely archaic to a generation reared in a more democratic atmosphere. His actions sometimes met with vigorous criticism, but all men recognized his kindly nature, his sincerity and patriotism and the ability with which he carried out his duties. Like many others of his class and time, he sometimes failed to realize the giant forces at work behind the ancient system which he venerated so deeply, but which it was necessary to adapt to the requirements of modern progress and to the living problems of the age. What seems obvious, and is generally accepted to-day, was often anathema to the benevolent old gentlemen of his time.

It is more fitting that the final estimate of his character and work should be given by another, and the writer feels she could not conclude a life of John Mitford with a juster tribute than that paid in 1846 by Mr. Townsend, Recorder of Macclesfield, by whom he was included among England's Twelve Eminent Judges.

"Few lawyers have filled with credit so many and such distinct offices of trust and power, nor have any crowded

into twenty-five years of unofficial life such an infinite variety of legislative and judicial good. By the well-applied exertions of a long and active life, he has become a benefactor to all classes of his countrymen. Of his own order he commands the grateful esteem, for he watched the right and privileges of his brother peers with almost jealous vigilance, and contributed to raise their Court of Appeal in the last resort, to the high consideration which it still bears. To his profession he has bequeathed an excellent legacy, in his writings, and admirable judgments, elucidating and confirming the law of real property".¹

But of the humbler members of this great community, he merits in an especial manner the respect and homage, exposed as they are to fluctuations and distress; for it was he who first turned aside the law from indiscriminately visiting misfortune with the penalties due to crime alone, and stamped upon the Statute Book the great Christian precept, "to proclaim liberty to the captive, and the opening of the prison to them that are bound."

¹ *Ibid.*, p. 190.

APPENDICES

APPENDIX A

(See *ante*, p. 114)

The Lord Lieutenant of Ireland to his brother,
Charles Yorke.

Private

Dublin Castle,
Aug. 11th, 1803.

My dear Charles,

I believe I have already informed you of the objection stated by the Chancellor and the Attorney-General against trying by Court Martial the Rebels taken in arms on the night of the 23rd July, in consequence of the words of the Act being prospective. Since, however, these men were not committed by a Civil Magistrate and that the enacting part of that Act is precisely the same as that which passed the Irish Parliament on the 25th March 1799, under which all the Rebels previously in custody were regularly tried, I am persuaded they might have been tried now without the power being at all questioned in England. I have, however, thought it right to acquiesce in the opinion of the Chancellor and the Attorney-General, whom I distinctly asked whether the opinion was merely one which they thought it their duty to give as lawyers, or whether they expressly meant that the power could and ought not to be, under the Act as it happened to be worded. To the question so put, they answered that as the Act stood it could not be exercised; Wickham also concurs in this opinion; and considering the stress which appears to have been laid in the House of Commons (when the Bill was moved) upon the security which the publick would have for the proper exercise of the power conferred, from the advice and opinion of Lord Redesdale, I have felt myself absolutely precluded from ordering Courts Martial to sit for the Trial of the Rebels taken in Arms on the 23rd ult. Wickham says that if he had been here, he would have advised the trying them by a Court Martial and

hanging them immediately, but the Chancellor did not conceive that could be done; nor could it have been done, as I was taught to believe, without a general proclamation of Martial Law, the shutting of the Courts and the stopping of the Circuits which were then going on: Lord Redesdale considered the Proclamation issued by Lord Camden on the 24th May, and the steps taken in consequence as contrary to Law, and to have been legalized afterwards by the Preamble to the Martial Law Act, which passed the 25th May 1799. 39th Geo. III. Chap.II. You can speak to this as well as any one, for you were appointed within three weeks afterwards a member of a Court Martial to try offenders who had been confined in the Provost long before the Act passed. I assure you it has given me much vexation that so long a time has elapsed without bringing the Rebels to justice, and that after all that has been done we are reduced to the necessity of going to Law with those who have begun to go to war with us. It has been made an argument against the Union, and has for the present at least given dissatisfaction to the Loyal. It will also be unfortunate that all the convictions and consequently the executions should come at the same time. I trust, however, there is no danger of the Juries not doing their duty, and the Act is in force now for the Trials of all who may be proper objects of it. . . . It is remarkable that the plan of rising in Dublin, and the mode by which it was to be effected, as well as the moment, was a perfect secret amongst the Leaders themselves. McCabe who was taken up on the 25th July, and who has given information, confesses that he was one of the Leaders in the Insurrection but positively asserts that, though he breakfasted on Saturday morning the 23rd ult. at a public house near Island Bridge with Redmond (who has since been taken up) and two others for the purpose of concerting a plan of attack upon the Artillery Barrack, he was not apprized of the intention of rising on that day, nor acquainted with the Depôt of Arms and Ammunition in Bridgefoot Street. . . .¹

¹ B.M., Add. MS. 35702, f. 316.

APPENDIX B

(See *ante*, p. 132)

The Roman Catholic Bishop of Cloyne and Ross to the
Right Honourable Lord Redesdale, Lord High Chancellor of
Ireland.

Middleton,
Jan. 26th, 1804.

My Lord,

If the heavy weight of insinuation, whereby I am aspersed in your Lordship's recent correspondence with the Earl of Fingall, were not so unfounded in fact as it is extreme in rigour, I should not feel warranted to expostulate in this manner with your Lordship upon the injustice you have done me. Of your great power, my Lord, of your Pre-eminent dignity I am thoroughly sensible, these are the very circumstances, which, in my mind, aggravate the injury I complain of, and, therefore, far from deterring, they encourage me rather to present myself with confidence before you. To redress wrongs is the peculiar province of your Lordship's exalted station. We all know, my Lord, that, if the subject were aggrieved even by the King, who can do no wrong, your Lordship is Empowered to cancel his Letters Patent if founded upon untrue suggestions: I must then persuade myself that, being at least as much inclined as you are warranted to do such act of justice, you will be equally ready to cancel your own severe sentence upon me, when your Lordship shall have considered the extent of the injury and shall have detected the misinformation that grounds it. In your letter to the Earl of Fingall, your Lordship would convince that Roman Catholic nobleman how little faith is due to Roman Catholics in their professions of loyalty, by representing to him that I, a Roman Catholic Bishop, have been treating with pointed disrespect those of my clergy, who, in the year 1798, had saved the lives

of loyal men; and, in honouring as a martyr, with insult to the offended justice of the laws, a Priest supposed to be deeply implicated in rebellion, and permitted to return from transportation through the mere indulgence of the Government. This sentence, my Lord, will, by easy implication, be thought to insinuate that, besides being traitorous, a perjured hypocrite, I am also an abettor of murder, a sanguinary monster under the sheep's clothing of Episcopal Consecration. While I preach the loyalty I have sworn, am sanctioning by my conduct the murder of loyal men, and promoting as far as in me lies, a rebellious spirit among my clergy, by reserving my chief attentions for such of them as were said to be guilty of rebellion. A dreadful insinuation, indeed, deriving multiplied effect from your Lordship's character and station! It would bear heavily upon me, my Lord, had it been no more than a sudden explosion bursting from an ordinary nobleman in the heat of altercation; but how much more oppressive as a sentiment committed to writing, by the cool, unruffled, discriminating impartiality of a Lord High Chancellor in a letter to a Roman Catholic Peer, for the obvious purpose of wounding the Roman Catholic religion through the degradation of a Roman Catholic Bishop; if unrefuted by me, or rather, if not explained by your Lordship as an unintentional mis-statement, it must go down to posterity with irreparable injury to myself, and by association, perhaps, to the community I belong to. It becomes, therefore, imperative upon me, my Lord, to convince you that you have here most grievously misrepresented me, through the unfounded suggestions of others: after which I cannot but hope that your Lordship will be forward to acknowledge the error and equally disposed to regret it.

I now beg leave, however humiliating the asseveration, to declare before that awful tribunal, where your Lordship, as well as I shall one day be arraigned, that were it possible an Angel from Heaven could propose to me, not the mace of your Lordship, not the sceptre of my Sovereign, but the uncontrolled dominion of this globe, as a reward for assenting to the murder of the meanest wretch that ever moved upon it, I should consider myself bound to say to that Angel, with

St. Paul "Be thou accursed"; nor for so saying, should I raise myself in my own estimation above the lowest line in the scale of negative merit. Neither do I claim a higher place for declaring, as I do, in the presence of God, that, being a liege subject of His Majesty King George III, I hold myself bound, by the dictates of my religion, independently of the oaths I have taken to bear him true allegiance, and to inculcate the same obligation upon all those who are subject to my jurisdiction. Nay, further, I declare myself more firmly bound to him by the dictates of my religion, than by every tie: being as little able in adverse circumstances to answer for my loyalty to the King, without the aid of my religion, as to answer for my fidelity to God, without the aid of his grace. Conformably to this impression, my Lord, I have enforced with peculiar energy, the duty of allegiance, both in my public and private instructions, during the troubles of 1798; strictly enjoining my clergy to withhold the sacred rites from all persons implicated in the treason of the time; until the oath and the treason if cemented should have been first abjured: by which means, many hundreds, if not many thousands, were detached from that treasonable contract, who, to this very day, might have adhered to it.

In answer to the allegation of pointed disrespect to those clergymen who were represented to your Lordship as having saved the lives of loyal men, I can boldly assert, in the face of this diocese, that the only priest I knew, as coming precisely within that description, by having given a timely notice to a gentleman whose life was threatened, is the very man I soon after selected for my Vicar-General; and with him at this day in that confidential capacity, I continue on terms of sincere regard and affection. The other Clergymen distinguished for loyal exertions at that trying period will acknowledge if called upon that, instead of treating them disrespectfully, I esteem them and venerate them. That every priest of mine, however, is perfectly satisfied, is what I am not presumptuous enough to affirm: it seldom falls to the lot of anyone in my place not to have individuals displeased with him; but I can confidently say that I know of only one Clergyman in this

entire diocese who considers himself aggrieved by my administration: and that to this very Clergyman I as confidently appeal, whether what he complains of in my conduct toward him has risen from his efforts in behalf of loyal men. If more minute enquiries, suggested by your Lordship's pregnant charge, have since discovered to me a Priest prostituting the sacred Laver of Regeneration, in compliance with the pusillanimous request of a loyal Protestant Gentleman, who, to court the rabble (when like others around him he should have opposed them), I entreated this Priest, in their presence, to baptize him, I shall never deem such condescension, whether elicited by good nature, or by loyalty, intitled to extraordinary credit; much less can I look upon it as a counterpoise against every subsequent failure or ineptitude.

The Reverend Peter O'Neil, to whom your Lordship alludes in this same letter to Lord Fingall, has been urged by the obloquy which assailed him to lay the particulars of his situation before the public in a humble remonstrance, forwarded to your Lordship through the Post Office at my own instance the moment it issued from the press. It has, I trust, my Lord, fully vindicated my conduct towards that much injured man and removed the painful imputation of insult to the offended justice of the laws. It has, in my apprehension, demonstrated that his return was the concurrent act of two successive Chief Governours; the one suspending his transportation, the other ordering him home from it. Nor this, my Lord, by way of a pardon, which was never solicited, but by an impartial decision upon the merits of his case. I will accordingly presume to hope that your Lordship, having duly considered the facts stated in his remonstrance, is rather inclined to think that the justice of the laws, which had sunk under his condemnation, hath reasserted its power, and triumphed in his acquittal. Your Lordship, I will also hope, has seen by this remonstrance, that Mr. O'Neil's restatement in his former place, was not so much an act of mine, as the provision of a Spiritual Law, which, in similar circumstances, would restore a clergyman of the Established Church.

By thus showing how strangely I was mis-represented to

your Lordship, I would not be understood to insinuate that the Personage who had the honour of addressing you, intended to mis-represent me; I am fully convinced, my Lord, that you would admit no man to your correspondence who would willingly deviate from the truth: but I am alike convinced that this personage, respectable as he doubtless is, must have been, in the present instance, most grossly imposed upon.

Neither the elevated rank of a Nobleman, nor their sacred regard to veracity, can always secure them against imposition from a certain class of men who artfully contrive to beset them. Esquires of very late creation, who, with matchless intrepidity, can assassinate characters, or whisper them away, and swear their own falsehoods into currency. When the truly loyal are everywhere intent upon uniting all hearts and all hands in the common cause, and for the common good, these men are everywhere indefatigable in promoting animosity and distrust, for their own private purposes. I shall say no more of them than barely to remind your Lordship how much easier it is for such gentry to make their impression than for an honest man to efface it.

It remains for me to observe, before I close this letter, that upon the first intimation I received from a person of rank in the metropolis, that I had been traduced as above, I instantly wrote a refutation of the charges, and was assured it should be laid before your Lordship. But an unwillingness to intrude has since, it seems, prevailed against the promise made me; which circumstance, together with the publication in the *Star* and other Papers since, as they have compelled me to address your Lordship in this direct manner, they will I hope at the same time be graciously admitted as my apology.

I have the honour to be

With inviolable respect

My Lord,

Your Lordship's most devoted humble servant

W. Copping.

APPENDIX C

(See *ante*, p. 219)

Lord Redesdale to Lord Hardwicke

Ely Place,
14th Nov. 1805.

Private.

My Lord,

It gives me great pain to be compelled to trouble your Excellency on a subject which I had hoped might have been settled without disturbing your Excellency, but I have been so little able to impress on the mind of Mr. Long a serious consideration of it, as I had before found Mr. Marsden to treat it with much levity, that I am under the necessity of resorting to your Excellency and formally requesting to be indulged with an audience on the subject. I apply to your Excellency in my official duty as Chancellor of Ireland, on behalf of the suitors and affairs of the Court of Chancery, soliciting no personal consideration for myself, and desiring only that I may be treated officially with the respect due to my office, and on behalf of the Chief Judges, desiring that proper deference may be paid to the authority vested in Parliament, in them and me. Your Excellency well knows that the Four Courts have been built with a sum of £40,000 cash of the suitors of the Courts of Chancery and Exchequer, and partly by grants of Parliament, and that the expenditure is, by the several acts passed for the purpose, put under the direction of the Chancellor and Chief Judges. The ground on which the buildings have been erected was, and indeed still is, the property of the society of King's Inn, and that Society was prevailed upon by the late Lord Lifford to suffer their ground to be used for this purpose in full confidence that the buildings to be erected were to be applied to the accommodation of the Four Courts. The plan was laid before Lord Lifford and approved by him, and I am assured that there was not then the slightest idea of appropriating any

part of the building but for the use of the Four Courts and their officers and the preservation of the records of those Courts. In the progress of the building the officers of all the Courts have been accommodated, except the Accountant General and six clerks and Register of the Court of Chancery, and a small room, very inconvenient, was appropriated to the Register, with an assurance of further accommodation. I need not detail to your Excellency the means by which those offices of the different Courts which are held as sinecures by persons of power and influence were amply provided for, whilst the most important offices of the Equity side of the Court of Chancery were left unprovided for. The ill-health of Lord Lifford and the constant occupation of the mind of Lord Clare in the great exertions made by him for the preservation of the country from the misfortunes with which it was threatened, made the injustice which I have stated a more easy matter to be accomplished than it probably would otherwise have been. When I came to this country, in a state of profound peace, I was immediately applied to, and requested to exert myself to prevent a continuance of this injustice. I went to the building, I sent for Mr. Gandon, the architect, whom I found had been employed upon it, and I found ample unoccupied room to accommodate the Accountant General, the Masters, the six clerks and the Register and arrangements were made accordingly. It was afterwards represented to me that it would be a great convenience to the Castle if the Register Office for deeds could also be accommodated in the building. My answer was—if the offices of the Court of Chancery can have proper offices *first* provided for them, I have *personally* no objection to the accommodation desired. The plans were again laid before me by Mr. Woodgate and he assured me there would be ample room for the whole. About three years I have been amused with these assurances and now find that not a single step has been taken to accommodate the Accountant-General, the Masters, the six clerks, or the Register of the Court of Chancery, but that a magnificent office has been prepared for the Register of deeds, with accommodation for his deputy and clerks, much beyond any necessity, without any order for that

purpose from the Chancellor and chief Judges, in whom I conceive the authority by act of Parliament rests. To this the sanction of your Excellency's Government, I understand, has been somehow obtained, by the influence and for the accommodation of individuals desirous of possessing the apartments at the Castle occupied by the Register. The Board of Works, or their architect, having on the resignation of Mr. Gandon, taken (I know not under what authority) the conduct of the building by collusion, this has been accomplished without my knowing anything of the matter till within the last few days. I must entreat permission to see your Excellency on this subject and to request the interference of your personal authority. I conceive the legal authority rests with the Chief Judges and myself but I cannot think of exercising that authority without first taking every other means in my power to procure redress. I trust your Excellency will not countenance a proceeding so highly disrespectful to the Courts of Justice, so personally disrespectful to me, both in my official and in my private character. I complain, not only of injustice to the suitors and officers of my Court, but of gross fraud and deception practised on me. Had I been given to understand that this measure was in contemplation, I think the law has invested me with ample means to prevent it; though I have no doubt your Excellency's authority would have been so exerted as to prevent the necessity of my taking such steps. But I have been amused, deluded and deceived by false representations, and at the moment when I thought everything had been settled as I would have wished and the suitors and officers of my Court properly accommodated, I find it made impossible that they should ever be accommodated, unless what has been done should be undone. I must, therefore, request that the Register office for deeds may be sent back to the place from which it has been removed, or at least so far as to leave sufficient accommodation for the officers of the Court of Chancery, and I trust your Excellency will not permit, either the influence or the mis-representations of individuals, consulting only their private convenience, to stand in the way of the justice which I demand.

LIFE OF LORD REDESDALE

Ely Place,
18th Nov. 1805.

My Lord,

When I addressed your Excellency on the Subject of the new buildings intended for the Four Courts and their officers, I [had] not obtained distinct information of the order for removal of the Register for deeds to that building. I now enclose a copy, which your Excellency will find to be in your Excellency's name and to refer to orders given by your Excellency to the Board of Works. I understand that the orders under which the architect and the Board of Works have acted have alike issued in your Excellency's name. An assurance that your Excellency's authority has thus been used, whilst means were taken to deceive me by a plan of arrangement inconsistent with the orders thus given, that determined me to apply directly to your Excellency. I find an important office of the Common Pleas is very ill accommodated and Lord Norbury has written to me on the Subject. I trust your Excellency will think that the Records and affairs of the Courts of Justice ought to be sufficiently provided for before the building can with propriety be applied to any other purpose. Mr. Woodgate did suggest to me that there were old buildings adjoining the Four Courts which ought to be purchased with a view to security, and possibly a better spot could not be obtained for the Register, but no person can be permitted to *reside* in the building.

COPY OF LETTER ENCLOSED

Dublin Castle,
28th Sept. 1805.

Sir,

The apartment in the new buildings on the Inns Quay *appointed* for the office of the Register of Deeds and Conveyances being completed, *the Lord Lieutenant has directed* the Board of Works to cause the books and papers belonging to that office to be removed from the Castle to those apartments, and *His Excellency commands me to acquaint you thereof* in order

that you may confer with the Board of Works and take proper measures as may be most convenient for removing the said books and papers in such manner as may be most convenient to the execution of the business of the office.

I have the honour to be, sir,

Your most obedient humble servant

A. Marsden.

To The Register of Deeds and Conveyances.
or his Deputy.

Ely Place,
23rd Nov. 1805.

My dear Lord,

Your Excellency's letter of the 21st found me in a situation which made an immediate answer a task I was by no means able to undertake. I am now tolerably free from pain, if I remain quiet, but every degree of exertion is more or less inconvenient to me.

I am much obliged to your Excellency for your condescending attention to the unfortunate misunderstanding respecting the buildings designed for the Four Courts. It has had an effect on the minds of others which I hope will remove all difficulties. The haughty tone assumed whilst the removal of the Register office for Deeds, and the occupation of the building for the use of that office, were considered as from the immediate orders of your Excellency, is entirely dropped; and I believe that the building will be found sufficient to accommodate the Courts and at the same time to afford a repository for the register for the space of 40 years to come. After that period some additional building may be necessary if the underground apartments cannot be made useful, which I fear would exceed the expense of a new building. In the last year of Lord Clare's life, I am sorry to say the melancholy proofs have occurred to me that he was no longer the Earl of Clare of the former period; but my conversations with Mr. Gandon and Mr. Marsden on my coming to Ireland, and since with Mr. Woodgate and Mr. Marsden, do not lead me to think that anything that passed between him and Mr. Abbot [word illegible] what was attempted.

The question put to me three years ago by Mr. Marsden was: Had I any objection to the application of part of the building for the Register of Deeds *after* the officers of the Four Courts were fully provided for? And I cannot but think that the directions to the architect to fit up for the register whatever rooms he thought fit to require, without paying any attention whatever to the officers of the Courts, and deluding me by sending to me plans not intended to be carried into execution, are not only unjustifiable but had so direct a tendency to degrade me personally in the view of the people of this country, that I could not have continued in Ireland with the hope of retaining a shadow of respect if I had tamely submitted to it. Throughout life, however, it has been my rule of conduct always to look prospectively rather than retrospectively; and in Ireland I have more particularly found the wisdom of this rule. If, therefore, those accommodations shall be afforded to the officers of the Four Courts which ought to have been provided for them before it was attempted to put up a single board for the accommodation of the Register, I shall be disposed to forget the impropriety of what has been done and to consider "All well that ends well." Your Excellency will, I hope, not think that I have been too strong in anything I have said on this subject. My first application was to Mr. Marsden, who thought fit to treat it with a levity which I could not but resent; and I expressed myself to him personally in pretty strong language in the presence of Mr. Long and the Chief Baron. But finding this had no effect, I applied to Mr. Long, and perceiving it was attempted to mislead him, I thought best to apply directly to your Excellency and till I did so nothing was done.

I hope your Excellency will excuse the incorrectness of a letter written with much difficulty and that your Excellency will be assured that I consider your active interference on this occasion as an additional proof of your personal kindness to me.

APPENDIX D

(See *ante*, p. 221)

The same to the same.

Ely Place,
Dublin.

3rd March 1806.

My Lord,

Your Excellency having mentioned to me your concern at the state of the public records of Ireland and your anxiety to adopt some measure for the purpose of placing them in a better situation, I have considered the subject and intended to have presented to your Excellency a plan for the purpose, if I had continued in office, so as to have leisure to make more minute inquiries than I have been able to do.

The condition of the records and documents of different descriptions that were lodged in the Parliament House has come before me in more than one instance and particularly as one of the Corporation of Commissioners for charitable donations and bequest, and in consequence of an order of the House of Lords for delivery to the Commissioners of the several documents and papers which had been from time to time collected for the use of the Committee for charitable donations and bequests, ordinarily appointed by the Lords of Ireland before the Union, and which the Commissioners were informed comprised not only valuable information, but deeds and instruments importantly concerning the objects of their trust. On application to the person in whose custody these documents ought to have been, we found that everything *in the two houses* of Parliament of that description had been removed, *promiscuously*, on sale of the building to the Bank and lodged in a house in Anglesey Street, where they remained in utter confusion and in danger of destruction. It seems to me that your Excel-

lency cannot be too early in taking some step for the preservation of records and documents so importantly concerning the public as well as individuals. But the final disposition of them appears to me to be properly the object of attention of both Houses of Parliament and on my return to England I shall probably think it my duty to state the matter in the House of Lords and propose some measures to be taken in concurrence with the other House of Parliament. Until such measures can be adopted I think it necessary that the Lord Lieutenant of Ireland should attend to the immediate safety of these records and documents; and I strongly recommend to your Excellency personally to visit them, and consider what may be fit to be done for that purpose; or if the time of your Excellency's stay here should not permit your interference, that you would mention the subject to your successor, as matter requiring his early attention.

The carelessness which has characterized the proceedings with respect to the records and documents belonging to the two houses of the Irish Parliament since the Union has probably been produced by the measure then adopted of compensating the officers of those houses to the full extent of their emoluments, and thus inducing them to consider those offices as wholly at an end and that they had become mere pensioners for life, without any obligation of public duty; and I very much fear your Excellency will find that similar consequences have flowed from the same source in other departments. Indeed, according to all the information which I have been able to obtain, the public records and documents of every description have been very much neglected and are in a state of great confusion except those which are now lodged in the building comprising the Four Courts and the offices of many of their officers, to which the office of the register of deeds has been added very lately, in exclusion of some of the officers of the Courts, the documents in whose offices are of great public concern. It seems to me also that the office of the register would have remained more properly at the Castle, under the protection of the Castle Guard, and I strongly recommend that it should be removed back to the Castle as soon as proper

buildings can be provided for the purpose, for which I understand there is ample space.

I think it important here to state to your Excellency that the Four Courts and the adjoining buildings have been erected on ground belonging to the Society of King's Inns on which the buildings anciently used by that society had stood. It seems to me that the site of the Four Courts and repository of records ought to be formally vested in the Crown, discharged from all claims of the Society of King's Inns; who ought, I think, to receive a compensation and to be relieved from a burden which they have imposed on themselves to accommodate the public, by taking other ground for the site of their Hall library and Chambers, at a very high rent, and paying tipstaves to attend the several Courts, with which they have nothing to do except as owners of the soil on which those Courts stand. The records and documents in the several offices there I believe are generally in good order but the buildings are not well adapted, in general, to the purpose for which they are designed; several of the rooms, and all in the basement story, are, I understand, damp; and indeed, the whole building ought to be secured from inundation and the constant oozing of the banks of the river, to which it is liable. I believe this to be practicable, tho' at considerable expense. I think the buildings intended for public use ought to be immediately completed, and I feel the greater anxiety for the adoption of this measure because in the discharge of my duty as Chancellor I have found that, for want of proper offices, public offices, many important documents have been lost, or remain in private hands, either neglected or made the source of precarious but unjust profit; so that the Court of Chancery has not in its [? power] many of those documents which ought to be in the hands of its officers and which in many instances I have found would have been important to its decisions.

I also think it would be highly proper to procure for the public a considerable portion of the adjoining ground, not merely for the erection of new offices, but to secure those already erected; and although the expense may be considerable, yet I think it will be compensated by the removal of buildings

which may be deemed nuisances to the public buildings, and by the convenience of assembling round the courts the practisers and officers, who would probably reside in the neighbourhood if they could procure wholesome and convenient houses there.

But many of the public offices have not come in any manner under my view, and I have their situation only by report. According to report, they require careful and serious investigation. I therefore strongly recommend the adoption of a commission, similar to the Commission issued in England for executing the measures recommended by the House of Commons respecting the public records of Great Britain, either by extending that Commission to Ireland, by establishing a subordinate Commission, or by issuing an original Commission, wholly distinct and confined to Ireland. One part of the objects of the Commission now subsisting for Great Britain could only be executed for Ireland in Ireland; but other objects of that Commission, I think, would be more easily attained and with more general benefit through the medium of a Commission under the Great Seal of the United Kingdom, having for its object the public muniments of the whole kingdom, as the muniments of one Empire; and with that view it appears to me that a subordinate Commission for Ireland would be necessary, and the most advantageous measure for obtaining that information upon which the general Commission might act with respect to Ireland, as well as the best method of procuring that in the management of records and public documents which their present condition in Ireland, I apprehend, requires.

If the measures of a general Commission for the whole kingdom and a subordinate Commission for Ireland should be thought fit to be adopted, I apprehend it will be necessary for your Excellency, or your successor, to lay the matter before His Majesty's confidential ministers that they may advise His Majesty thereupon; or that the matter should be brought before Parliament, and the Commissions which I propose, if adopted, might be founded on such resolutions as the House of Commons, or both Houses of Parliament might think fit to frame and carry into execution by address to His Majesty (as

was done in the case of the subsisting Commission for Great Britain, which issued, in pursuance, I apprehend, of an address to the House of Commons) or by such other measures as their wisdom might suggest.

If during my stay in this country I can be of any use to your Excellency, or your successor, either in attending an inspection of the records, or in any other manner, with a view to obtain that order and arrangement which are necessary to their use, and that care which is necessary to their preservation, I shall be very ready to give my assistance. But I apprehend nothing effectual can be done without the aid of authority specifically applied to the subject by a Royal Commission, and indeed without the aid of Parliament.

INDEX

- Abbot, Charles, 1st Baron Colchester, 32-5, 43, 70, 151-2, 157, 180
 Addington, Henry, 1st Viscount Sidmouth, 5, 19, 37-8, 42-4, 76,
 80, 87, 105, 110, 111, 138, 144-6, 149, 152, 162, 174, 176,
 180-1, 207
 Aliens Bill, 17
 Alnwick, 14
 Alvanley, Lord, *see* Arden, Richard Pepper
 Anne, Duchess of Cumberland, 193
 Arden, Richard Pepper, 1st Baron Alvanley, 156
 Ardrin, 53
 Asgill, Col. Sir Charles, 109
 Association for Relieving of Distressed Manufacturers, 229
 Avonmore, Lord, *see* Yelverton, Barry
- Barrington, Sir Jonah, 170-1, 178, 217-19
 Batsford Park, 227
 Beckwith, F. A., 96
 Bedford, Duke of, *see* Russell, John
 Beeralston, 8, 29
 Bertram, Sir Richard, 3
 Brougham, Henry Peter, Baron Brougham, 260
 Browne, Lt.-Col. Lyde, 98
 Burke, Edmund, 9-11
- Caley, John, 33, 226, 236
 Canning, George, 260-1
 Caroline, Queen of George IV, 242-8
 Castlereagh, Lord, *see* Stewart, Robert
 Cathcart, William Schaw, Baron (afterwards Earl) Cathcart, 142-6,
 149, 150
 Cavendish, William Henry, 3rd Duke of Portland, 43-4, 225, 228
 Chancery, Court of, 233-4, 258-60
 Clare, Earl of, *see* Fitzgibbon, John

INDEX

- Cloncurry, Lord, *see* Lawless, Valentine
 Cobbett, William, 175-7
 Colchester, Lord, *see* Abbot, Charles
 Combination Laws, 27-8
 Coppinger, W., Roman Catholic Bishop of Cloyne and Ross,
 132-4, 140, APP. B.
 Corn Importation Bill, 240
 Corry, Isaac, 75, 152, 157
 Curran, Sarah, 115, 117-18
 Curran, W. H., 58-9, 221

 Despard, Col. Edward Marcus, 191
Dublin Evening Post, 211
 Duigenan, Patrick, 169
 Dundas, Henry, 1st Viscount Melville, 40, 162, 164, 173
 Dutens (Duchillon), Rev. Louis, 15

 East Looe, 29
 Eldon, Lord, *see* Scott, John
 Elsdon, 15
 Emmet Rebellion, 95-120, *passim*, 193, 216, 218, APP. A.
 Erskine, Thomas, 1st Baron Erskine, 20-1, 176, 180, 247
 Exbury Park, 6
 Exports proclamation, 73-8

Falkiner's Journal, 205
 Farington, Joseph, 65
 Fingall, Lord, 79, 122-37, 140, 160, 164-5
 Fitzgerald, Lord Edward, 191
 Fitzgibbon, John, Earl of Clare, 42, 54, 90, 92, 154, 184, 212, 282
 Fitzwilliam, William Wentworth, 2nd Earl Fitzwilliam, 22
 Foster, John (afterwards Baron Oriel), 151-2, 157, 169, 170-4, 182
 Four Courts, 54, 58, 285-6, APP. C.
 Fox, Charles James, 9, 11, 13, 80, 107, 139, 165, 180, 182, 209, 263
 Fox, Lt.-Gen. Henry Edward, 96-7, 99, 108-9
 Freeman, Thomas, 227
 French Revolution, 16-19
 "Friends of the People," 17

INDEX

George III, 11, 23, 36-8, 77, 110
 George IV in Ireland, 249
 Gilpin, Rev. William, 4-5, 14
 Grattan, Henry, 138-9, 182, 191, 216, 218
 Grenville, William Wyndham, Baron Grenville, 165, 180, 196, 225
 Grey, Charles, Lord Howick, afterwards 2nd Earl Grey, 11, 209-11

Habeas Corpus Act suspended, 112
 Hardwicke, Lord, *see* Yorke, Philip
 Hardy, Thomas, 19-22
 Hastings, Warren, 10-11, 239
 Hawkesbury, Lord, *see* Jenkinson, Charles

Irish Bar, 60-4
 Irish Rebellion, 1798, 24-5
 Irish Records, 219-21, APPS. C and D.
 Irish Magistracy, 66-70
 Irish Militia, 78

Jenkinson, Charles, 1st Baron Hawkesbury, 38, 77, 104, 157
 Johnson, Robert, 177-9
 Johnson, William, 177-9, 221
 "Juverna," 175

Kenyon, Lloyd, 1st Baron Kenyon, 5, 36
 Kilwarden, Lord, *see* Wolfe, Arthur
 Kirwan, Walter Blake, Dean of Killala, 93
 Knox, William, Bishop of Derry, 206

La Fayette, Marquis de, 18
 Law, Edward, 1st Baron Ellenborough, 230
 Lawless, Valentine Browne, 2nd Baron Cloncurry, 116, 189-98
 Lennox, Charles, 4th Duke of Richmond, 225
 "London Corresponding Society," 17, 19
 Long, Charles, 174, 184, 220, 283

McNally, Leonard, 115-16, 119

INDEX

- Marsden, Alexander, 45, 51, 68, 76, 85, 94, 97, 101, 104, 109, 135,
158-9, 176-7, 181, 184, 195, 283
- Medows, Sir William, 79, 96
- Melville, Lord, *see* Dundas, Henry
- Mitford ancestry, 3-4
- Mitford, Bertram, 6, 72, 76
- Mitford Castle, 4
- Mitford, Henry, 156
- Mitford, John Freeman-, 1st Baron Redesdale, ancestry, 3; education, 4-6; Inner Temple, 6; *Pleadings in Chancery*, 7; on Circuit, 8; enters Parliament, 8; supports Warren Hastings, 10; Judge, 12; Catholic Relief Bill, 12; Chancellor of Durham, 13; purchases Redesdale, 14; Aliens Bill, 17; Solicitor-General, 19; Corresponding Society, 19-22; attitude towards William Pitt, 22; Seditious Meetings Bill, 23; speech on Ireland, 26; Combination Laws, 27; Attorney-General, 29; attachment to Lord Eldon, 29, 136-7; Public Records Commissions, 30-5; Habeas Corpus Suspension Act, 35; State prosecutions, 36; Speaker, 37-41; Lord Chancellor of Ireland, 42-6; arrival in Ireland, 49; associations with the Viceroy, etc., 50-1; difficulties of the situation, 52-72 *passim*, 157-8; opinion of the Irish Bar, 57; respect for his character and reputation, 61, 65; opinion on prohibition of exports, 73-8; supports Viceroy's policy for defence, 79-82; in England, 80-2; engagement to Lady Frances Perceval, 83; return to Ireland, 85; advice to the Viceroy on "orders from Whitehall," 85-7; marriage, 87; Emmet Rebellion, 95-120 *passim*, APP. A.; attitude towards Roman Catholics, 121; correspondence with Lord Fingall and Dr. Coppinger, 122-37, 140, APP. B.; on the functions of the Viceroy, 143-5, 168-73; complains of weakness of the English government, 146-8, 174; on social conditions in Ireland, 154-5; declines the Chief-Justiceship of Common Pleas, 156; mistrust of Castlereagh, 158-9; opposes further concessions to Roman Catholics, 160-7, 251-4, 260-5; visit to London in 1805, 162-7; attacked by Cobbett, 175-9; recall and final speech as Chancellor, 180-8; dispute with Lord Cloncurry, 189-98; policy as Lord Chancellor, 199-208; accusations of his enemies, 209-16; suggestions regarding the Public Records of Ireland,

INDEX

- 219-21, APPS. C. and D.; return to England, 222; refuses to return to Ireland as Lord Chancellor, 225; on Board of Trade and Plantations, 228; Bill for Relief of Insolvent Debtors, 229-30; Bill for Reform of Court of Chancery, 233-4; death of Lady Redesdale, 234; attitude towards social reform, 235-6; views on agricultural questions, 239-42; on secret committee regarding the trial of Queen Caroline, 243-6; disapproves of George IV's visit to Ireland, 249; views on the office of Lord-Lieutenant, 249-251; proposes drastic measures in Ireland, 254-5; suggestions for dealing with appeals in the Court of Chancery, 255-60; death and character, 266-8
- Mitford, John Thomas Freeman-, 1st Earl of Redesdale, 234
- Mitford, William, 4-6, 156
- Morpeth, 4
- Norbury, Lord, *see* Toler, John
- Northumberland, Duke of, *see* Percy, Hugh
- O'Connell, Daniel, 249, 260
- O'Flanagan, J. R., 7, 185, 197, 217
- O'Grady, Standish (afterwards 1st Viscount Guillamore), 57, 188
- O'Neill, Rev. Peter, 131-6, APP. B.
- Pelham, Thomas, Baron Pelham (afterwards Earl of Chichester), 42-3, 73-8, 85-6, 105
- Perceval, Lady Frances (Lady Redesdale), 83, 87, 106, 156, 163, 174, 232, 234
- Perceval, Spencer, 21, 36, 83, 108, 160, 175, 177, 228, 231-3
- Percy, Hugh, 2nd Duke of Northumberland, 8, 14
- Pery, Edmund Henry, Earl of Limerick, 171
- Pitt, William, 8-9, 11, 13, 22, 28, 35, 37, 151, 157, 162, 165, 172-4, 180, 182, 190, 216, 263
- Plowden, Francis Peter, 210, 216-17
- Plumer, Sir Robert, 234
- Plumer, Sir Thomas, 7
- Plunkett, William (afterwards 1st Baron Plunket), 64, 122, 177
- Ponsonby, George, 115, 153-4, 181-4, 191, 209, 210, 225

INDEX

Portland, Lord, *see* Cavendish, William Henry
Public Records Commissions, 30-5, 226-7

Redesdale, 14, 15

Relief of Insolvent Debtors, 229

Reveley, Philadelphia, 4

Richmond, Lord, *see* Lennox, Charles

Roman Catholic Relief, 12, 251-4, 260-3

Romilly, Sir Samuel, 230

Rose, George, 35

Russell, John, 6th Duke of Bedford, 225

Russell, Thomas, 120

Rymer, Thomas, 30

Sanderson, Robert, 30

Saunders' News Sheet, 65

Saurin, William, 57, 221

Scott, John, 1st Earl of Eldon, 7, 19, 28-9, 36-7, 44-5, 56, 136-7,
176, 180, 256

Seditious Meetings Bill, 23

Sheil, Richard Lalor, 122

Sheridan, Richard Brinsley, 9, 11, 28, 40-1

Sinclair, Sir John, 263

Smyth, George Lewis, 213-14

Spencer, George John, 2nd Earl Spencer, 196

Stewart, Robert, Viscount Castlereagh, 70, 77, 104, 135, 139, 145,
158-9, 174, 201

Story, Prof. Joseph, 7.

Talbot, Charles Chetwynd, 2nd Earl Talbot, 252

Test and Corporation Acts, 260-1

Thelwall, John, 21

Toler, John, 1st Earl of Norbury, 57, 59, 115-18, 184, 221

Tooke, Horne, 19-22, 41, 191

Townsend, W. C., 266-8

Treasonable Practices Bill, 23

Troy, John Thomas, Roman Catholic Archbishop of Dublin, 102-4,
122, 128, 216

INDEX

Umfraville, Robert de, 15
United Irish Society, 191

Vansittart, Nicholas, 162, 169, 171-4

Wellesley, Sir Arthur (afterwards 1st Duke of Wellington), 124,
208, 225-6, 260

Wellesley, Richard Colley, Marquis Wellesley, 252-3

White, Gilbert, 5

Wickham, William, 51, 67-70, 75-7, 80, 82, 85, 87, 101, 119, 143-4,
152, 154, 156, 168, 172, 208, 271

Windham, William, 13, 104, 140

Wolfe, Arthur, Viscount Kilwarden, 42-4, 57, 97, 100, 109, 110,
112, 117

Wrottesley, Sir John, 139

Yelverton, Barry, 1st Viscount Avonmore, 57

Yorke, Charles Philip, 42-3, 77, 107, 110, 111, 114, 129, 131, 138,
145-6, 149, 157, 177, APP. A.

Yorke, Philip, 3rd Earl of Hardwicke, 42-3, 50, 55, 74-82, 84-5, 87,
97, 99, 101-2, 104, 107-8, 110, 111, 114, 129-31, 138-9, 141-6,
151-2, 156-7, 159, 160, 162-6, 168, 170, 173, 175, 196, 201-3,
216-22, 232, APPS. A., C., D.

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